

Protection of Public Services Personal Data in The Delivery of Public Services: Comparative Study in Indonesia and Malaysia

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Abstract

Introduction: Public service is essential in serving and engaging with the community. It is fundamental for building strong, resilient communities and ensuring a functioning democracy. However, the exposure of personal data in public service is worrying, as data breaches have affected the public's privacy.

Purposes of the Research: This study examines the extent to which personal data is protected in the provision of public services in Indonesia and Malaysia. It also investigates how the Indonesian government can learn from Malaysia to improve its data protection in public services.

Methods of the Research: This study employed a normative juridical approach. Secondary data was used in this study: the 1945 Constitution, Law Number 25 of 2009 concerning Public Services, Presidential Instruction Number 3 of 2003 concerning National Policy, Strategy for E-Government Development, and the Malaysian Personal Data Protection Act 2010.

Results Main Findings of the Research: This study shows many data protection breaches in Indonesia. Additionally, no existing law protects personal data in Indonesia. It is recommended that Indonesia establish a law to protect the personal data of its citizens. Malaysia's Personal Data Protection Act 2010 can be modelled to establish the law.

Keywords: Public Service; Data Protection; Personal Data Protection Act 2010; Privacy.

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INTRODUCTION

The current digital era has had various impacts on various aspects of human life, including the governance aspect of government administration through public services. Society demands fast, easily accessible, and technology-based public services. This public demand encourages the government to improve digital-based public services.¹ Public service is an effort by a bureaucratic group or individual to assist the community in achieving a specific goal.²

According to Lijan Poltak Sinambela, public service is defined as providing services (serving) to the needs of people or society who have an interest in the organization based

¹ Luki Natika, "Transformasi Pelayanan Publik Di Era Digital: Menuju Pelayanan Masa Depan Yang Lebih Baik," *The World of Public Administration Journal*, 2024, <https://doi.org/10.37950/WPAJ.V6I1.2040>.

² Yayat Rukayat, "Kualitas Pelayanan Publik Bidang Administrasi Kependudukan Di Kecamatan Pasirjambu," *Jurnal Ilmiah Magister Ilmu Administrasi* 11, no. 2 (2017), <https://jurnal.unnur.ac.id/index.php/jimia/article/view/32>.

on the basic rules that have been established.³ Public service fulfils people's desires and needs in state administration. Of course, the public or society founded the state to improve people's welfare.⁴

In the 1945 Constitution, the Indonesian government aims to protect the entire Indonesian nation and all of Indonesia's blood, promote general welfare, educate the nation's life, and participate in implementing the world order. These goals are implied as service to society, service for prosperity, service to education, and service to implement the world order. Next, Law Number 25 of 2009 concerning public services can be used as a basis for improving public services by state or government civil servants.⁵ Therefore, implementing public services must now change in the digital era. The Indonesian government has issued a policy to carry out reforms in public services, namely in Presidential Instruction Number 3 of 2003 concerning National Policy and Strategy for E-Government Development.

One of the goals of bureaucratic reform is to improve the quality of services to the community through the development of increasingly advanced societal needs and increasingly fierce global competition so that good governance can be achieved with a professional government bureaucracy that has high integrity and serves the public and servants of the state. To achieve this goal, the Indonesian government continues to develop the quality of public services through an online public service system, which is usually called e-government. Even though e-government in its implementation will contain a lot of personal data from every community member who accesses it. Security in the public sector, especially in implementing e-government systems, is sensitive because it is related to public trust. The government needs to be able to guarantee the security of the personal data of its citizens, especially in electronic-based services, which should be provided through e-systems. The government that is implemented is trusted by the public because it has sufficient security.⁶ Globalisation, besides bringing advantages to human life, also creates problems, such as modern crimes in the economy. Abundant wealth also makes people anxious to protect assets as modern technology generates malicious crimes such as cybercrime and data breaches.⁷

Indonesia was shocked by the appearance of an advertisement for a company with 25 million customer data ready to be bought and sold. This data can generally be classified based on income, type of work, and deposit records, which range from hundreds of millions. The types of data offered include complete cellphone number and address data and often customer banking transaction records. These things are traded freely at various prices, from one hundred thousand to millions of rupiah. Moreover, every Indonesian citizen should register using personal data on their population identification number when using telecommunications services. The protection of people's data managed by telecommunications companies is not clearly explained in what form the protection takes. This is different from Malaysia. The people's data are governed by the Personal Data

³ L. Sinambela, "Reformasi Pelayanan Publik: Teori, Kebijakan, Dan Implementasi," 2008.

⁴ Abu Bakar et al., "Hakekat Pelayanan Publik," *Jurnal Perspektif* 13, no. 2 (2020): 81–87, <https://doi.org/10.53746/Perspektif.V13I2.15>.

⁵ Ratna Ani Lestari and Agus Santoso, "Pelayanan Publik Dalam Good Governance," *Jurnal Ilmu Sosial Dan Ilmu Politik* 2, no. 1 (June 20, 2022): 43, <https://doi.org/10.30742/juispol.v2i1.2134>.

⁶ Bunga Asoka Iswandari, "Jaminan Keamanan Data Pribadi Warga Negara Dalam Penyelenggaraan Urusan Pemerintahan Berbasis Elektronik (E-Government)," "Dharmasisya" *Jurnal Program Magister Hukum FHUI* 2, no. 1 (2022): 75–86, <https://scholarhub.ui.ac.id/dharmasisya/vol2/iss1/6>.

⁷ Agus Budianto and Corresponding Author, "The Corporate Crime as The Power of Crime in The Economic Justification," *SASI* 28, no. 4 (December 30, 2022): 506–20, <https://doi.org/10.47268/sasi.v28i4.890>.

Protection Law to protect their citizens from misuse of personal data, and there are also limitations on the use of personal data so that the purpose and use of managed personal data are clear. If it is used for purposes other than the agreed upon, its protection will be subject to civil and criminal sanctions.⁸

There are many previous studies that examine the protection of personal data. One of them is a study entitled "Competent Forum and Applicable Law in the Protection of Personal Data with Foreign Elements". This study analyzes the protection of personal data with foreign elements as a problem of international civil law, with a focus on competent forums and applicable laws.⁹

Then there is also a previous study entitled "Personal Data Protection in Indonesia: Legal Perspective". The results of this study show the same dilemma as this study, namely regarding the legal vacuum in Indonesia in providing personal data protection in terms of regulation. Based on the results of this previous study, it shows that in Indonesia, there are no regulations that accommodate personal data protection in financial technology. This can be dangerous if the economic response of technology is not limited to its use. Personal data cases are not included in the cases of danger that can arise. These cases can be in the form of personal data theft, system damage that allows data breaches to occur, misuse of personal data that has been controlled by business actors themselves, or other parties who can access consumer personal data (such as the government). The need for regulations on this matter is important because personal data is a person's privacy right. However, basically personal data can have economic value for third parties who want to use it.¹⁰

In addition, there is also previous research that discusses personal data protection, namely in the article entitled "Comparative Analysis of Personal Data Protection Laws in Indonesia and Thailand: A Legal Framework Perspective". The results of this study reveal that both Indonesia and Thailand recognize that personal data protection is an inseparable part of human rights. This recognition is reflected in the constitutions of each country and various applicable laws and regulations. Indonesia has just passed a special law on personal data protection in 2022, but its implementation still faces various challenges. The results of this study show that although both countries recognize the importance of personal data protection as a component of human rights, there are significant differences in the approach and implementation between Indonesia and Thailand.¹¹

Based on several previous studies discussing personal data protection, it was found that there is a very urgent need to provide personal data protection. Based on the background, there are 2 (two) objectives in this study, namely first, analyzing the comparison of laws between two countries, namely Indonesia and Malaysia in providing personal data protection in public services. Second, analyzing the good legal practices of Malaysia, which are possible to be applied in Indonesia in realizing safe public services in personal data protection.

⁸ Muhammad Saiful Rizal, "Perbandingan Perlindungan Data Pribadi Indonesia Dan Malaysia," *Jurnal Cakrawala Hukum* 10, no. 2 (2019), <https://doi.org/10.26905/IDJCH.V10I2.3349>.

⁹ Muhammad Faqih Adhiwisaksana, Tiurma Mangihut Pitta Allagan, "Competent Forum and Applicable Law in Personal Data Protection With A Foreign Element", *Indonesia Journal of International Law* 20, no. 3 (2023).

¹⁰ Andriyanto Adhi Nugroho, Atik Winanti, Surahmad, "Personal Data Protection I Indonesia: Legal Perspective", *International Journal of Multicultural and Multireligious Understanding* 7, no. 7 (2020).

¹¹ Lu Sudirman, Hari Sutra Disemadi, Arwa Meida Aninda, "Comparative Analysis of Personal Laws in Indonesia and Thailand: A Legal Framework Perspective", *Jurnal Etika Demokrasi* 8, no. 4 (2023). <https://doi.org/10.26618/jed.v8i4.12875>

METHODS OF THE RESEARCH

The type of research used in this research is normative juridical and uses a literature approach. Normative legal research aims to describe the norms that apply in a particular legal system. In this study, the legal norms that will be described are a comparison between the two laws of Indonesia and Malaysia in providing personal data protection.¹² This type of data comes from secondary data consisting of primary legal materials, namely the 1945 Constitution, Law Number 25 of 2009 concerning Public Services, Presidential Instruction Number 3 of 2003 concerning National Policy and Strategy for E-Government Development, and Malaysian law on personal data protection, the Personal Data Protection Act 2010.

RESULTS AND DISCUSSION

A. Protection of Personal Data in Providing Public Services in Indonesia and Malaysia

Every citizen has constitutional rights, namely rights guaranteed by law. With these constitutional rights, the state is obligated to protect all citizens. This state's constitutional obligations have been stated in the Preamble to the 4th Paragraph of the 1945 Constitution of the Republic of Indonesia, which states that the state is obliged to protect the entire Indonesian nation in improving general welfare, making the nation's life intelligent, and implementing world order based on independence: world peace and social justice. The constitutional rights regulated in the 1945 Constitution include 40 citizen rights. One of them is the right to personal protection. This right is regulated in Article 28 G Paragraph (1), which outlines that citizens have the right to protect themselves, their families, honor, dignity, and property under their control.¹³ Public services are one way of fulfilling citizens' constitutional rights. They are services provided by the government to meet the needs and interests of the community. Good, innovative, and efficient public services can build public trust in the government and improve people's quality of life.¹⁴ In providing public services in the current digital era, personal data is straightforward to access and store in public services provided by the government. In the current digital development era, Indonesia has personal data protection regulations. Still, these are not enough to minimize problems such as hacking and breaching users' data.

Amid the unstoppable trend and flow of digital innovation, data security should be one of the prerequisites for a reliable and efficient public service system. In Indonesia, there was a case on the sale of 279 million Social Security Administering Body participants at Raid Forums in 2021 and the leak of 102 million Indonesian people's data, which was sold on the dark site Breached. to in 202, until, what happened recently, the service was disrupted. Immigration due to disruption to the National Data Center, managed by the Ministry of Communication and Information, is the tip of the iceberg that shows how vulnerable and weak data security is.¹⁵ Public institutions now face more significant challenges in maintaining data integrity, confidentiality, and availability. This data security challenge covers several urgent aspects: protecting personal and sensitive information. Public services

¹² David Tan, "Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian hukum", *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 8, no. 8, 2021. [10.31604/jips.v8i8.2021.2463-2478](https://doi.org/10.31604/jips.v8i8.2021.2463-2478)

¹³ Sekaring Ayumeida Kusnadi, "Perlindungan Hukum Data Pribadi Sebagai Hak Privasi," *Al Wasath Jurnal Ilmu Hukum* 2, no. 1 (2021): 9-16, <https://doi.org/10.47776/alwasath.v2i1.127>.

¹⁴ Dahyar Daraba et al., "Membangun Pelayanan Publik Yang Inovatif Dan Efisien Di Era Digital Di Indonesia," *Jurnal Pallangga Praja (JPP)* 5, no. 1 (2023): 31-40, <https://doi.org/10.61076/jpp.v5i1.3428>.

¹⁵ Hasrul Eka Putra, "Keamanan Data Dan Kepercayaan Warga Pada Pelayanan Publik," *Ombudsman Republik Indonesia*, 2024, <https://ombudsman.go.id/>.

collect various data types from citizens, including identification numbers, home addresses, medical history, and financial information. This data is a desirable target for cybercriminals. This data leak harms individuals and can reduce public trust in the government. People who feel their data is unsafe may be reluctant to participate in government programs or provide accurate information. This can affect the effectiveness of various government initiatives that depend on accurate and complete data.

They were second, preventing cyber abuse and fraud. Public service systems that are vulnerable to data security breaches can be exploited by irresponsible parties to carry out various criminal acts. For example, in healthcare systems, data breaches can lead to illegal access to patient medical records, which can be used for multiple detrimental purposes. The healthcare sector is a significant target for cybercriminals, with software attacks in this industry increasing by 650% in 2022 compared to the previous year. Costs resulting from healthcare data breaches also rose significantly, from US\$7.13 million in 2020 to US\$9.23 million the following year, representing an increase of 29.5%.¹⁶ Leaked data are exposed to cyber crimes such as phishing, money mulling, pharming, social engineering, and sniffing. Based on the patrolisiber.id site, from January to September 2021, there were 15,152 cybercrime complaints reported through the Patrolisiber portal, with total losses reaching 3.88 trillion.¹⁷ Third, national security and public stability. Data managed by public institutions, especially those related to security and intelligence, is susceptible to information. Data leaks in this sector can have fatal consequences, threaten national security, and even cause social unrest. From January to May 2021, data from the National Cyber and Crypto Agency stated that there were 448,491,256 cyber-attacks in Indonesia. The attack trend is ransomware or malware that demands ransom and data leak incidents.¹⁸

Regulations regarding the protection of personal data in Indonesia are currently regulated in various statutory regulations, namely Law Number 7 of 1992 concerning Banking as Amended by Law Number 10 of 1998 concerning Banking, Law Number 36 of 1999 concerning Telecommunications, Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions, Law Number 7 of 1971 concerning Basic Provisions for Archives, Law Number 8 of 1997 concerning Documents. Apart from that, there are also regulations outlined in the form of Ministerial Regulation Number 20 of 2016 regarding Personal Data Protection (PDP) stipulated on November 7, 2016, promulgated and effective from December 1, 2016. This Ministerial Regulation is one of 21 Ministerial Regulations issued as a derivative of Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, which was promulgated and has been in effect since 15 October 2012. Last October, the Ministry of Communication and Information issued Government Regulation Number 71 of 2019 concerning implementing Electronic Systems and Transactions, an update of Government Regulation 82 of 2012. This revision of the regulation caused criticism from many parties. Including several Commission I House of Representatives of the Republic of Indonesia, because in this regulation, the government allows specific data to be stored outside Indonesia through the Ministry of Communication and Information.¹⁹

¹⁶ *Ibid*, n.d.

¹⁷ *Ibid*.

¹⁸ *Ibid*.

¹⁹ Albert Lodewyk Sentosa Siahaan, "Urgensi Perlindungan Data Pribadi Di Platform Marketplace Terhadap Kemajuan Teknologi," *Majalah Hukum Nasional* 52, no. 2 (2022): 209-23, <https://doi.org/10.33331/MHN.V52I2.169>.

Although protecting at a basic level, existing regulations can still not address the complexities and challenges of the digital era. The primary legislation governing the protection of personal data in Indonesia is Law Number 11 of 2008 concerning Information and Electronic Transactions, later amended by Law Number 19 of 2016. However, this law was criticized for its lack of personal data protection. Specificity and completeness in dealing with personal data protection. These rules do not fully cover the principles necessary for adequate data protection, such as consent, data minimization, and data subject rights, which are essential for safeguarding personal information in the digital world. The absence of specific and comprehensive personal data protection laws has led to a fragmented approach to data privacy, with different sectors and institutions implementing their regulations. This situation results in inconsistencies and gaps in protection, leaving personal data vulnerable to misuse and unauthorized access. The need for an integrated and solid legal framework is accurate, as highlighted by many academics and experts calling for enacting the Personal Data Protection Bill.²⁰ Then, if a comparison is made with personal data protection in other countries, several countries can be modeled, namely Singapore, the United States, and Malaysia. The countries chosen for comparison occupy the top three rankings on the 2017 Global Cybersecurity Index (GCI). The 2017 GCI ranking table can be seen below:

Table 1. Top Ten Countries in the 2017 Global Cybersecurity Index (GCI) (ITU, 2017)

Country	Score GCI	Legal	Technique	Organization	Capacity Building	Cooperation
Singapore	0.92	0.95	0.96	0.88	0.97	0.87
United State	0.91	1	0.96	0.92	1	0.73
Malaysia	0.89	0.87	0.96	0.77	1	0.87
Oman	0.87	0.98	0.82	0.85	0.95	0.75
Estonia	0.84	0.99	0.82	0.85	0.94	0.64
Mauritius	0.82	0.85	0.96	0.74	0.91	0.70
Australia	0.82	0.94	0.96	0.86	0.94	0.44
Georgia	0.81	0.91	0.77	0.82	0.90	0.70
France	0.81	0.94	0.96	0.60	1	0.61
Canada	0.81	0.94	0.93	0.71	0.82	0.70

Source: International Telecommunication Union. (2017). Global Cybersecurity Index (GCI) 2017. International Telecommunication Union: Geneva.

Based on this data, it can be seen that two of the three countries in the top ranking are ASEAN countries, and one of them, namely Malaysia, based on IMF publications in 2018, is still in the developing country category. Therefore, in this research, a comparative study will be carried out with Malaysia because Indonesia is also a developing country. Malaysia ranked third in the GCI in 2017 after Singapore and the United States. Efforts to develop cyber security began in 1997 through establishing the Malaysian Computer Emergency Response Team (MyCERT), now known as Cybersecurity Malaysia. This institution is a government organization under the Ministry of Science, Technology, and Innovation responsible for cyber security in Malaysia and promoting internet security among internet

²⁰ Naylawati Bahtiar, "Development Policy and Management Review (DPMR) Darurat Kebocoran Data : Kebuntuan Regulasi Pemerintah" 2, no. 1 (2022): 85-100, <https://journal.unhas.ac.id/index.php/DPMR/article/view/32144>.

users in Malaysia.²¹ In the context of personal data protection, the Malaysian government introduced a Personal Data Protection Bill in 2000, designed based on the European Data Protection Standard.²²

Discussions regarding the Draft Personal Data Protection Law in Malaysia have gone through a long journey until finally, in 2010, the Personal Data Protection Law 2010 (PDPA) was promulgated. The Personal Data Protection Act 2010, comprising 146 articles, regulates personal data protection. Several vital points are regulated in the PDPA related to the classification of personal data, principles of personal data protection, the rights of data owners, the establishment of unique bodies for personal data protection, and law enforcement procedures related to violations and crimes related to personal data.

The PDPA focuses on processing personal data in commercial transactions and preventing misuse of personal data. The PDPA rules aim to regulate the processing of personal data by data users in the context of commercial transactions to safeguard the interests of the data subject. This is achieved by ensuring the subject's consent. Data is obtained before personal data is processed, and data subjects have the right to access, correct, and control the processing of their data. Malaysia does not explicitly define privacy as a fundamental freedom. The Malaysian Federal Court has an interpretation regarding personal freedom contained in Article 5 Paragraph (1) of the Malaysian Constitution, which includes several rights, including the right to privacy. It is on this basis that privacy protection develops. PDPA Malaysia also regulates fines and imprisonment.²³

B. Good Practices in Malaysia that can be applied in Indonesia in Protecting Personal Data in Public Services

The definition of personal data is also contained in Article 1, paragraph (1) of the Minister of Communication and Information Regulation Number 20 of 2016 concerning the Protection of Personal Data in Electronic Systems, which states that: "Personal Data is certain individual data that is stored, maintained and maintained as true and protected as confidential." Apart from that, Article 2 also states that protection of the acquisition, collection, processing, analysis, storage, display, announcement, sending, dissemination, and destruction of personal data constitutes the protection of Personal Data in Electronic Systems as a form of respect for personal data as privacy.²⁴ The principle of the right to privacy regarding personal data is a critical aspect in this increasingly advanced digital era. Every day, we interact with technology and provide personal data online. Personal data is any information that can directly or indirectly identify an individual.²⁵ According to Warren and Brandeis, along with the development and progress of technology, public awareness has grown, giving rise to the awareness that everyone has the right to enjoy life. "Privacy is the right to enjoy life and the right to be left alone, and this legal development is inevitable

²¹ Dpe, "Laporan Tahunan 2011," *Department of Polytechnic Education*, 2011, 52, https://www.cybersecurity.my/data/content_files/46/1095.pdf.

²² Ida Madiha Azmi, "Personal Data Protection Law," *Information and Communications Technology Law* 16, no. 2 (2007): 125–35, <https://doi.org/10.1080/13600830701532001>.

²³ Kusnadi, "Perlindungan Hukum Data Pribadi Sebagai Hak Privasi."

²⁴ CSA Teddy Lesmana, Eva Elis, and Siti Hamimah, "Urgensi Undang-Undang Perlindungan Data Pribadi Dalam Menjamin Keamanan Data Pribadi Sebagai Pemenuhan Hak Atas Privasi Masyarakat Indonesia," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 3, no. 2 (2021): 1–6, <https://doi.org/10.52005/Rechten.V3I2.78>.

²⁵ Dararida Fandra Mahira, Emilda Yofita, and Lisa Nur Azizah, "Consumer Protection System (CPS): Sistem Perlindungan Data Pribadi Konsumen Melalui Collaboration Concept," *Jurnal Legislatif* 3, no. 2 (2020): 287–302, <https://m.hukumonline.com/berita/baca/lt59cb4b3feba88/data-pribadi-dan-dua->.

and demands legal recognition," Warren and Brandeis said.²⁶ Everyone has the right to enjoy their privacy, which requires protection.²⁷ This research uses a comparative method with Malaysia because the atmosphere of life in Malaysia is not much different from that of Indonesia. Even though the atmosphere of life in Indonesia and Malaysia is not very different, the legal systems between Indonesia and Malaysia are different. The legal system in Indonesia applies a civil law legal system, namely written law (codification). There is a strict and clear separation between public law and private law. Meanwhile, the legal system in Malaysia applies a standard law system, which is dominated by unwritten law or customary law through judge decisions. There is no strict and clear separation between public and private law. With the differences in legal systems, the principle of universality can be applied, namely for the sake of international interests, based on the idea that every country is obliged to participate in implementing the world legal system.²⁸

Malaysia is a developing country like Indonesia. However, there is something that can be learned from Malaysia, namely that the Malaysian state responded to the public's need for personal data protection quickly and adroitly by forming laws and regulations and establishing institutions responsible for and promoting Internet security among internet users in Malaysia.

This must be implemented immediately in Indonesia because the country is experiencing a legal vacuum with no personal data protection, even though this has become a societal need. According to Hans Kelsen, law is a system of norms. Norms emphasize the "should" or "das sollen" aspect by including several rules about what must be done.²⁹ Norms are the product of deliberative human action. Laws containing general rules serve as guidelines for individuals to behave in society, both in their relationships with fellow individuals and in their relationships with society. The goal of absolute legal certainty is to be achieved to protect public interests (which also include personal interests) by functioning as the main motor for upholding justice in society (order), upholding citizens' trust in the authorities (government), and upholding the authorities' rule in the eyes of citizens.³⁰ Based on Hans Kelsen's Theory of Legal Certainty, the existence of positive law is vital in providing legal certainty for society, and the existence of positive law is to protect public interests and personal interests.³¹ Therefore, Indonesia must urgently formulate a Law on Personal Data Protection to protect public and personal interests. The Indonesian Government has enacted Indonesia Law Number 27 of 2022 concerning Personal Data Protection (Law 27/2022), which came into effect on October 17, 2022. Under Article 74 of Law 27/2022, "Upon the commencement of this Law, Personal Data Controllers, Personal Data Processors, and other parties involved in the processing of Personal Data shall adjust to the provisions of the processing of Personal Data under this Law at the latest within two (2) years since this Law is enacted." Therefore, electronic system organizers in the public sector must adjust their

²⁶ Samuel D Warren and Louis D Brandeis, "The Right to Privacy," *Law Review* 4, no. 5 (1890): 193-220, <http://links.jstor.org/sici?sici=0017-811X%2818901215%294%3A5%3C193%3ATRTP%3E2.0.CO%3B2-C>.

²⁷ Kadek Rima Anggen Suari and I Made Sarjana, "Menjaga Privasi Di Era Digital: Perlindungan Data Pribadi Di Indonesia," *Jurnal Analisis Hukum* 6, no. 1 (2023): 132-42, <https://doi.org/10.38043/JAH.V6I1.4484>.

²⁸ Endah Pertiwi et al., "Analisis Yuridis Terhadap Penyalahgunaan Data Pribadi Pengguna Media Sosial," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 3, no. 3 (2022): 10-16, <https://doi.org/10.52005/RECHTEN.V3I3.65>.

²⁹ Saepul Rochman, Kelik Wardiono, and Khudzaifah Dimyati, "The Ontology of Legal Science: Hans Kelsen's Proposal of the 'Pure Theory of Law,'" *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 5, no. 3 (2019): 543-57, <https://doi.org/10.22304/PJIH.V5N3.A8>.

³⁰ Mario Julyano and Aditya Yuli Sulistyawan, "Pemahaman Terhadap Asas Kepastian Hukum Melalui Konstruksi Penalaran Positivisme Hukum," *Crepidol* 1, no. 1 (2019): 13-22, <https://doi.org/10.14710/Crepidol.1.1.13-22>.

³¹ H Kelsen, "Teori Hukum Murni Dasar-Dasar Ilmu Hukum Normatif; Penerjemah: Raisul Muttaqien," *Nusa Media* (Nusamedia, 2014), <https://lib.ui.ac.id>.

system governance to Law 27/2022. For example, electronic system organizers of hospitals must protect and ensure the security of the health data they process. Hospitals must supervise all parties involved in processing health data under the control of the hospital. Hospitals must also ensure the protection of health data from unauthorized processing of health data. Hospitals must also prevent unauthorized access to health data by using security systems to process the health data.

The primary objective of Law Number. 27 of 2022 is to serve as a response from the Indonesian Government and the House of Representatives of the Republic of Indonesia to incidents of data protection violations, particularly personal data breaches. This law is expected to yield positive impacts, such as boosting public trust in digital businesses and assuring investors, especially concerning data security, when investing in Indonesia.³² Personal data protection in the provision of public services must comply with Law 27/2022. Furthermore, this law prohibits the misuse of personal data. For instance, Article 65 paragraph (2) stipulates that "Any person is prohibited from unlawfully disclosing Personal Data that does not belong to them." Upon conviction for such a violation, as per Article 67 paragraph (2), the offender may face a maximum imprisonment of four (4) years and/or a maximum fine of Rp 4,000,000,000.00 (four billion rupiah). Article 65, paragraph (3) also states that "any person is prohibited from unlawfully using Personal Data that does not belong to them." If convicted, the offender may face a maximum imprisonment of five (5) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

CONCLUSION

Public services are one way of realizing prosperity for citizens. However, several challenges exist in providing public services for protecting citizens' data. Personal data protection is mandated in Article 28 G Paragraph (1) of the 1945 Constitution. However, in Indonesia, no law expressly regulates personal data protection. This differs from Malaysia, a developing country but has been more advanced and responsive in providing personal data protection through establishing rules and regulations and institutions responsible for and promoting personal data protection. Therefore, learning from Malaysia, a developing country, Indonesia, must immediately address the legal vacuum by establishing and implementing personal data protection law regulations. Through the Ministry of Communications and Informatics, the Government is mandated to oversee that public sector system operators comply with Law 27/2022 regarding data acquisition, processing, and analysis procedures

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³² Juan Matheus and Ariawan Gunadi, "Pembentukan Lembaga Pengawas Perlindungan Data Pribadi Di Era Ekonomi Digital : Kajian Perbandingan Dengan KPPU," *JUSTISI* 10, no. 1 (2023): 20-35, <https://doi.org/10.33506/jurnaljustisi.v10i1.2757>.

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