



Analysis of Personal Data Protection Regulation in the Digital Law Perspective

Sheila Maureen Sapta Simbolon ¹

¹ Universitas Diponegoro, Semarang, Indonesia

Abstract

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Advances in digital technology have significantly increased the use of personal data across various sectors of life, thereby giving rise to increasingly complex risks of misuse. This study aims to analyze the effectiveness of personal data protection regulations and assess the urgency of their implementation within the context of contemporary legal developments. The methodology employed is a normative legal approach, utilizing both legislative and conceptual frameworks, based on an analysis of various regulations related to personal data protection. The results of the study indicate that although a comprehensive legal framework exists, the implementation of regulations still faces various obstacles, such as the gap between norms and practices, low legal awareness, and infrastructure limitations. Additionally, rapid technological advancements are creating new challenges that have not yet been fully addressed by existing regulations. On the other hand, the urgency of regulating personal data protection is increasing because data has become a strategic asset in modern life, whether in economic, social, or governmental contexts. Therefore, sustained efforts are needed to enhance the effectiveness of regulations through strengthened law enforcement, increased public awareness, and legal adaptation to technological advancements. This study is expected to contribute to the development of adaptive and responsive laws to the challenges of the digital age.

*Corresponding author:
(Sheila Maureen Sapta Simbolon)

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1. Introduction

The development of information and communication technology in recent decades has driven major transformations in various aspects of human life, especially in terms of data management and utilization. Personal data is now one of the most valuable assets in the digital ecosystem, not only for individuals but also for organizations and countries. However, in the midst of these advances, various risks related to data misuse have emerged, such as information leakage, identity theft, and data exploitation without the owner's consent. This phenomenon requires a legal framework that is able to provide adequate protection for personal data as part of the fundamental rights of individuals (Sinaga & Putri, 2020).

In the context of modern law, personal data protection is no longer just a technical issue, but has developed into an integral part of the protection of human rights, especially the right to privacy. This protection includes regulations on how data is collected, stored, processed, and distributed. Therefore, the presence of comprehensive regulations is very important to ensure a balance between the use of technology and the protection of individual rights (Rahman, 2021). In this framework, the existence of Law Number 27 of 2022 concerning Personal Data Protection is an important milestone in providing legal certainty related to the management of personal data, especially in facing the challenges of the increasingly complex digital era.

In addition, regulations related to digital activities in general have also been accommodated in Law Number 11 of 2008 concerning Information and Electronic Transactions (jo. Law No. 19 of 2016 and Law No. 1 of 2024) which provide a legal

basis for various electronic transactions and digital information management. This law serves as an initial legal umbrella that regulates the security and reliability aspects of electronic systems, although it has not specifically regulated the protection of personal data comprehensively. Thus, the relationship between the two regulations shows the development of a legal system that is adaptive to technological changes (Siahaan, 2022).

On the other hand, the protection of personal data cannot be separated from the principle of public information disclosure regulated in Law Number 14 of 2008 concerning Public Information Disclosure. This regulation affirms the public's right to obtain information, but at the same time provides limits on private information. This shows the need to balance transparency and privacy protection, which often poses a dilemma in the practice of its implementation (Vania et al., 2023).

Although a legal framework is available, the implementation of personal data protection regulations still faces various challenges. One of the main problems is the gap between legal norms that have been formulated and implementation in the field. This can be caused by various factors, such as a lack of public awareness, limited human resources, and an inoptimal technological infrastructure that supports data protection (Koswara, 2022). In addition, the dynamics of rapid technological developments often exceed the ability of regulations to anticipate various new forms of violations, thus creating the need for continuous legal evaluation and updates.

Furthermore, implementation challenges are also related to the level of compliance from various parties involved in data management, both public and private sectors. In many cases, data management practices are still found that are not

in accordance with data protection principles, such as lack of transparency and weak security systems. This shows that the existence of regulations alone is not enough, but needs to be accompanied by effective supervision and law enforcement mechanisms (Sutarli & Kurniawan, 2023). Therefore, an analysis of the effectiveness of regulations is important to assess the extent to which the law is able to respond to existing challenges.

In addition, the urgency of discussing personal data protection is increasing along with people's increasing dependence on digital technology. Personal data is not only used in daily activities, but also in various strategic sectors, such as the digital economy, public services, and electronic-based government systems. This condition makes data a commodity that has high economic value, as well as being vulnerable to various forms of abuse (Sukmadilaga & Rosadi, 2020). Therefore, the discussion of personal data protection regulations is very relevant to ensure that technological developments do not sacrifice individual rights.

Based on this description, this study seeks to examine in more depth the effectiveness of personal data protection regulations and the urgency of their discussion in the context of modern law. Thus, the formulation of the research questions asked is as follows: (RQ1) how effective is personal data protection regulation in answering legal challenges in the digital era? and (RQ2) why is personal data protection regulation an urgent issue to be discussed in contemporary legal developments?

2. Methods

This research uses a normative juridical method that focuses on the study of legal norms that govern the protection of personal data in the modern legal system. This approach was chosen because the research aims to analyze the effectiveness of regulations and the urgency of legal regulations on the protection of personal data, so that it requires an in-depth study of laws and regulations, legal concepts, and doctrines that develop in the legal literature. The normative juridical method places law as a system of norms that is studied based on applicable rules, both in the form of written regulations and generally recognized legal principles.

The approaches used in this study include a statute approach and a conceptual approach. The legislative approach is carried out by examining various regulations related to personal data protection, especially those that regulate aspects of data management, information security, and the right to privacy. Meanwhile, the conceptual approach is used to understand the basic concepts related to personal data protection, such as the right to privacy, legal protection, and the responsibility of data controllers, which are developed in legal doctrine and theory.

The type of data used in this study is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations relevant to the research topic, which are the main basis for legal analysis. Secondary legal materials include various scientific literature such as journals, books, and the results of previous research that discuss the protection of personal data and its implementation in practice. The tertiary legal

materials are used as a complement to provide additional explanations of legal terms and concepts used in the research.

The data collection technique is carried out through literature studies by identifying, reviewing, and grouping various relevant legal sources. This process involves searching scientific journals, academic publications, and legal documents related to personal data protection. The data that has been collected is then analyzed qualitatively by interpreting the content of legal norms, examining the conformity between applicable regulations and existing practices, and identifying various problems that arise in their implementation.

The analysis is carried out systematically by linking the applicable legal provisions with theoretical concepts and actual developments in society. Thus, this research is expected to be able to provide a comprehensive overview of the effectiveness of personal data protection regulations and explain the urgency of their regulation in the context of modern law. This approach also makes it possible to produce logical and structured legal arguments as a basis for formulating conclusions and recommendations.

3. Results

3.1. The Effectiveness of Personal Data Protection Regulations in Responding to Legal Challenges in the Digital Era

The effectiveness of personal data protection regulations is a crucial aspect in assessing the extent to which the law is able to provide optimal protection for individual rights amid the rapid development of digital technology. The presence of

Law Number 27 of 2022 concerning Personal Data Protection is an important milestone in building a comprehensive legal framework related to the management of personal data. This regulation not only regulates the rights of data subjects, but also establishes obligations for data controllers and processors to ensure the security and confidentiality of information. From a normative perspective, the existence of this law shows that there are systematic efforts to provide legal certainty for personal data protection (Sinaga & Putri, 2020).

However, the effectiveness of a regulation is not only determined by its formal existence, but also by its implementation in practice. In this case, there is still a gap between the legal norms that have been formulated and their implementation in the field. This is in line with findings that show that the implementation of personal data protection often faces structural constraints, such as limited human resources and lack of readiness of technological infrastructure (Koswara, 2022). This condition shows that although regulations have been comprehensively designed, their effectiveness has not been fully achieved.

In addition, the existence of Law No. 11 of 2008 concerning Electronic Information and Transactions (jo. Law No. 19 of 2016 and Law No. 1 of 2024) also contributes to supporting the protection of personal data, especially in the context of digital activities. This law regulates various aspects related to electronic systems, including the obligation of system operators to maintain data security. However, the provisions in this law are still general so they are not able to answer specifically the complexity of personal data problems in the digital era (Siahaan, 2022). Therefore,

although it has an important role, its effectiveness is still limited if it is not supported by more specific regulations.

Furthermore, the effectiveness of regulations is also influenced by the level of awareness and compliance of the public and business actors on the importance of personal data protection. In practice, there are still many parties who do not fully understand the legal obligations that must be fulfilled in data management. This has an impact on the high potential for violations, both intentional and unintentional (Sutarli & Kurniawan, 2023). Thus, it can be said that the effectiveness of regulations does not only depend on normative aspects, but also on social factors that affect people's legal behavior.

On the other hand, the rapid development of technology is also a challenge for the effectiveness of regulations. Innovations such as artificial intelligence, the Internet of Things, and big data have created a new ecosystem in data management that has not been fully anticipated by existing regulations. This causes legal loopholes that can be used by certain parties to commit violations (Sukmadilaga & Rosadi, 2020). Therefore, flexibility is needed in the legal system to be able to adapt to dynamic technological developments.

Furthermore, the principles of transparency and accountability in data management are also important indicators in assessing the effectiveness of regulations. Good regulation should be able to ensure that every data processing process is carried out openly and can be accounted for. However, in practice, there are still many organizations that have not applied this principle optimally (Vania et

al., 2023). This shows that efforts are still needed to strengthen aspects of supervision and law enforcement to ensure compliance with applicable regulations.

In addition, the existence of Law Number 14 of 2008 concerning Public Information Disclosure also provides an additional dimension in assessing the effectiveness of regulations, especially in terms of the balance between transparency and privacy protection. In some cases, there is a conflict between the public's right to obtain information and the individual's right to maintain the confidentiality of personal data. This condition requires an appropriate legal interpretation so that the two interests can be accommodated in a balanced manner (Rahman, 2021).

Furthermore, the effectiveness of regulations is also related to the law enforcement mechanisms applied. Without strict sanctions and consistent implementation, regulations tend not to have strong coercion. In this context, there are still challenges in ensuring that any violation of personal data protection can be acted upon effectively and provide a deterrent effect (Siahaan, 2022). This shows that law enforcement is a key element in determining the success of a regulation.

Thus, it can be concluded that the effectiveness of personal data protection regulations still faces various complex challenges, both from normative, structural, and cultural aspects. Although there is a relatively comprehensive legal framework, the implementation is not optimal and the dynamics of technological developments are the main factors affecting its effectiveness. Therefore, continuous efforts are needed to strengthen regulations, increase public awareness, and develop more effective law enforcement mechanisms so that personal data protection can be realized to the maximum.

3.2. The Urgency of Personal Data Protection Arrangements in Contemporary Legal Developments

The urgency of regulating personal data protection in contemporary legal developments cannot be separated from the increasing intensity of the use of digital technology in various aspects of life. Digital transformation has changed the way individuals interact, transact, and access services, so that personal data becomes a very vital element in supporting these activities. In this context, personal data not only functions as an individual's identity, but also as a commodity that has high economic value. This condition makes personal data vulnerable to various forms of abuse, so it requires adequate legal protection (Sukmadilaga & Rosadi, 2020).

Along with increasing reliance on digital systems, the risks to data security are also increasingly complex. Threats such as data leaks, hacking, and misuse of information are becoming increasingly frequent issues in the digital ecosystem. This shows that without strong regulations, the protection of personal data will be difficult to realize effectively. Therefore, the presence of Law Number 27 of 2022 concerning Personal Data Protection is very important as a legal instrument that provides a normative basis in protecting individual privacy rights (Sinaga & Putri, 2020).

In addition, the urgency of this regulation is also related to the development of the concept of human rights in modern law. The right to personal data protection is part of the right to privacy that must be guaranteed by the state. In this perspective, the state has an obligation to ensure that every individual is protected from the misuse of data that can be detrimental materially or immaterially. Thus, personal data

protection regulations not only function as a legal instrument, but also as a form of protection for the fundamental rights of individuals (Rahman, 2021).

Furthermore, the urgency of regulation is also influenced by the rapid development of the digital economy. In the digital economy ecosystem, data is one of the most important production factors. Many companies rely on personal data to increase efficiency, innovation, and competitiveness. However, without clear regulations, the use of such data has the potential to violate individual rights. Therefore, regulation is needed to create a balance between economic interests and the protection of privacy rights (Siahaan, 2022).

On the other hand, the existence of Law No. 11 of 2008 concerning Electronic Information and Transactions (jo. Law No. 19 of 2016 and Law No. 1 of 2024) also shows that the need for regulation in the digital field has been recognized from the beginning. However, along with the development of technology, these regulations need to be strengthened and adjusted to increasingly complex needs. This confirms that the urgency of regulating personal data protection is not only temporary, but is a long-term need in the modern legal system (Sutarli & Kurniawan, 2023).

In addition to technological and economic factors, the urgency of regulation is also related to increasing public awareness of the importance of personal data protection. The public now increasingly understands the risks that can arise from data misuse, so they demand stronger legal protection. This encourages the formation of regulations that are not only reactive, but also preventive in preventing

violations (Vania et al., 2023). Thus, personal data protection regulations are part of the legal response to evolving social dynamics.

Furthermore, the urgency of this regulation can also be seen from the perspective of governance and information transparency. In practice, there is a need to balance between public information disclosure and personal data protection. The existence of Law Number 14 of 2008 concerning Public Information Disclosure shows that public information must be accessible to the public, but must still pay attention to limitations related to individual privacy. Without a clear regulation, potential conflicts between these two interests can cause legal uncertainty (Koswara, 2022).

Furthermore, the urgency of regulation is also influenced by aspects of national security and social stability. Misuse of personal data not only impacts individuals, but can also threaten broader security, such as the spread of false information, data manipulation, and cybercrime. In this context, personal data protection is part of efforts to maintain security and order in the digital society (Sukmadilaga & Rosadi, 2020). Therefore, strong regulations are needed to anticipate various risks that can arise.

Finally, the urgency of personal data protection arrangements is also related to the need to create legal certainty in the era of globalization. The flow of data across national borders demands clear and consistent protection standards. Without adequate regulation, a legal system will find it difficult to adapt to evolving global dynamics. Therefore, personal data protection arrangements are an important

element in ensuring that the law remains relevant and able to respond to the challenges of the times (Sinaga & Putri, 2020).

Based on this description, it can be concluded that the urgency of regulating personal data protection in contemporary law is driven by various factors, including technological developments, the need for human rights protection, the dynamics of the digital economy, and people's demands for security and legal certainty. Thus, the discussion of personal data protection regulations is very important to ensure that the legal system is able to provide effective protection for individuals in the midst of ongoing changes.

4. Conclusion

Personal data protection in contemporary legal developments is an unavoidable necessity along with the increasing use of digital technology in various aspects of life. The existence of regulations governing the protection of personal data shows that there are efforts by the legal system to adapt to the dynamics of changes that occur. In this case, the existing legal framework has provided a fairly strong normative basis in regulating rights and obligations related to the management of personal data, both for individuals and for the parties who process the data.

However, the effectiveness of these regulations still faces various challenges, especially in the implementation aspect. The gap between legal norms and practices in the field is one of the main obstacles that hinder the achievement of optimal personal data protection. Factors such as limited resources, low levels of public

awareness, and very rapid technological developments also affect the successful implementation of regulations. Therefore, the existence of legal rules alone is not enough, but must be supported by effective supervision and law enforcement mechanisms.

On the other hand, the urgency of personal data protection arrangements is getting stronger because data has become an important part of modern life, both in social, economic, and governmental contexts. The increasingly complex risk of data misuse demands legal protections that are able to guarantee the security and privacy of individuals. In addition, the need to maintain a balance between information disclosure and privacy protection is also a challenge that must be accommodated in the legal system.

Thus, it can be concluded that personal data protection regulations have a very strategic role in answering legal challenges in the digital era. To increase its effectiveness, continuous efforts are needed to strengthen implementation, increase public legal awareness, and adjust regulations to changing technological developments. This is important so that the law is not only normative, but also able to provide real and fair protection for every individual.

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