

ANALISIS KOMPARATIF TERHADAP SUATU NORMA HUKUM ANTARA PELINDUNGAN DATA PRIBADI DI INDONESIA DAN VIETNAM

A COMPARATIVE ANALYSIS OF PERSONAL DATA PROTECTION LAWS IN INDONESIA AND VIETNAM

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Abstract

Personal data protection is an important issue in the digital era marked by the massive use of information technology. This study compares the rationality of personal data protection in Indonesia and Vietnam through Law No. 27 of 2022 and Decree No. 13/2023/ND-CP. Both regulations are present in response to the increasing need or urgency for personal data protection in ASEAN, especially Indonesia and Vietnam. The aim is to understand the rational and background in the formation of both regulations, by analyzing the juridical, sociological, and philosophical aspects. The results show that although both countries face the same challenges as the rise of personal data leaks, there are fundamental differences in the legal approach used. Indonesia governs through laws with a high legal standing and oversight by independent institutions, while Vietnam governs through decrees (Nghị định) which are under the law (Luật) or are directly controlled by the government through the Bộ Công an or the Ministry of Public Security. Indonesia's philosophical approach is rooted in human rights and social justice, while Vietnam's emphasizes more on national stability and security. This research shows the importance of personal data regulation that is not only legally strong, but also in accordance with the social and cultural values of each country to realize a safe and fair society.

Keywords: Personal Data Protection, Comparative Law, Norms, Indonesia, Vietnam

Abstrak

Pelindungan data pribadi merupakan isu penting dalam era digital yang ditandai oleh penggunaan teknologi informasi secara masif. Penelitian ini mengkomparasikan rasiologis pelindungan data pribadi di Indonesia dan Vietnam melalui UU No. 27 Tahun 2022 dan Dekrit No. 13/2023/ND-CP. Kedua peraturan tersebut hadir sebagai respons terhadap meningkatnya kebutuhan atau urgensi adanya pelindungan data pribadi di ASEAN khususnya Indonesia dan Vietnam. Tujuannya adalah untuk memahami rasiologis dan latar belakang dalam pembentukan kedua regulasi, dengan menganalisis segi yuridis, sosiologis, dan filosofis. Hasil penelitian menunjukkan bahwa meskipun kedua negara menghadapi tantangan yang sama seperti maraknya kebocoran data pribadi, terdapat perbedaan mendasar dalam pendekatan hukum yang digunakan. Indonesia mengatur melalui UU dengan kedudukan hukum yang tinggi dan pengawasan oleh lembaga independen, sementara Vietnam mengatur melalui dekrit (Nghị định) yang berada di bawah UU (Luật) dan dikendalikan langsung oleh pemerintah melalui Bộ Công an atau Kementerian Keamanan Publik. Pendekatan filosofis Indonesia berakar pada hak asasi dan keadilan sosial, sedangkan Vietnam lebih menekankan pada stabilitas dan keamanan nasional. Penelitian ini menunjukkan pentingnya regulasi data pribadi yang tidak hanya kuat secara hukum, tetapi juga sesuai dengan nilai sosial dan budaya masing-masing negara untuk mewujudkan masyarakat yang aman dan adil.

Kata Kunci: Perlindungan data pribadi, hukum perbandingan, Norma, Indonesia, Vietnam.

INTRODUCTION

This study compares the rational implications of personal data protection in Indonesia and Vietnam through Law No. 27 of 2022 and Decree No. 13/2023/ND-CP. In some previous studies, discussions about personal data protection were generally only focused on one specific country. For example, a previous study conducted by Khoi Trong Dao entitled "Harmonizing Vietnamese Personal Data Protection Law With Asean Standards: Lessons Learned From The Singaporean"¹ discussed the legal incompatibility of Vietnam's personal data protection (PDP) with harmonized standards in ASEAN, the study provides a comparative review of the Singapore, Malaysian, and Thai PDP systems as a reference model, while Wahyudi Djafar focuses only on legal framework and does not make comparisons with other countries, Cindy Vania with the title "Juridical Review of Personal Data Protection from the Aspects of Data Security and Cybersecurity"² only discusses the strengthening of data security and cybersecurity aspects only in the domestic scope and the absence of legal comparisons with other countries. This certainly creates a significant academic gap, especially in terms of understanding the legal norms between Indonesia and Vietnam which are carried out comparatively. Therefore, this research is here to fill the gap by taking a comparative approach to the rasiology and background of the formation of the two regulations between Law No. 27 of 2022 concerning the Protection of Personal Data in Indonesia and Decree No.13/2023/ND. CP on Personal Data Protection in Vietnam.

RESEARCH METHODS

This study uses the normative juridical method as the main approach, which aims to analyze and interpret the applicable legal norms. In its implementation, the statute approach is used to examine in depth various legal provisions related to the protection of personal data. In addition, this study also adopts a comparative approach, to allow comparative analysis between personal data protection regulations in Indonesia and Vietnam. Through this approach, it is hoped that similarities and differences can be found in the legal structure of the two countries. The literature used as a reference in this study is focused on legal norms and principles, including primary legal materials in the form of official laws and regulations, as well as secondary legal materials consisting of books, scientific articles, and other relevant sources. With this approach, the research is directed to provide a more comprehensive insight into the issue of personal data protection within the broader scope of the legal system.³

This research uses several types of legal data sources, namely primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations that are used as the main foothold in the analysis, such as Law No. 27 of 2022 and Vietnam's Decree No. 13/2023/ND-CP, as well as the constitution of each country. Secondary legal sources consist of scientific papers in the form of legal

¹ Yuliana Lestari and Muhammad Muqorobin Mujib, "Optimizing Personal Data Protection Legal Framework in Indonesia (A Comparative Law Study)," *Rule of Law: Journal of Legal Studies* 11, no. 2 (2022): 203–34, <https://doi.org/10.14421/sh.v11i2.2729>.

² Muchamad Taufiq and Ananda Salsabila Kenyo, "The Legal Protection of Personal Data in the Digital Era: A Comparative Study of Indonesian Law and the GDPR," *International Journal of Business, Law, and Education* 6, no. 2 (2024), <https://doi.org/10.56442/ijble.v6i2.1178>.

³ Muhammad Nur Aziz, M Abdim Munib, and Mochammad Mansur, "A Comparative Study of the Protection of Citizens' Personal Data between Indonesia and Malaysia," *Locus Journal of Academic Literature Review* 5, no. 1 (2025), <https://doi.org/10.56128/ljoalr.v5i1.811>.

journals, books on previous research, and policy documents issued by relevant institutions at the national and international levels. The tertiary legal material serves to deepen the understanding of legal terms and various supporting juridical concepts, as found in legal dictionaries and legal encyclopedias. All data is collected through a literature study method, by searching scientific literature, official documents, and relevant legal publications, both available in print and digital form.

DISCUSSION

A. Rasiologists in the Formation of Law No. 27 of 2022 with Decree No. 13/2023/ND. CP on Personal Data Protection in Indonesia

In the process of drafting laws and regulations, it is very important to always adhere to the applicable legal principles. These principles serve as a fundamental basis that ensures that the regulations formulated can provide legal certainty, uphold justice, and provide significant benefits to society as a whole. If the drafting process ignores these principles, the resulting regulations have the potential to lose their legal substance, become unfair, and do not have a positive impact. Therefore, the principles in the legislation have a very vital role in creating regulations that truly prioritize the public interest and reflect the expected values of justice.⁴ The legal system that applies in Indonesia follows the Civil Law model, which is a legacy of the legal system applied by the Netherlands. (Ari Welianto 2022) . Based on Civil Law, which emphasizes more on written regulations, such as laws that must be obeyed by every citizen, this legal system has binding power because the law is manifested in a complete written form and structured in a codification.⁵

Based on Article 7 Paragraph 1 of Law No. 12 of 2011 concerning the Establishment of Laws and Regulations which has been amended by Law No. 13 of 2022, the hierarchy of regulations in Indonesia UU No. 27 of 2022 is in third place after the MPR TAP and above Government Regulations.⁶

The legal system in Vietnam adheres to a legal system similar to Indonesia, where the Vietnamese legal system adheres to the Continental European legal system or Civil Law, Civil Law is a legal system inherited by France during the colonial period, similar to Indonesia, the Vietnamese legal system prioritizes written regulations. However, there is a difference with the Indonesian legal system, regulations related to hierarchy are not specifically regulated but are regulated in the Law on the Promulgation of *Legal Normative Documents 2020* while based on the law it is indirectly regulated regarding the order of the regulatory hierarchy;⁷

Decree No.13/2023/ND. CP or regulations related to PDP in Vietnam are in the form of a Decree while in Vietnamese regulations, Decree is above the Law or Luật. Thus, Law

⁴ Heriyanto, "Comparative Analysis of Regulation and Legal Protection of Patient Data Privacy in Three Southeast Asian Countries (Indonesia, Singapore, and Laos)," *Journal Ners* 7, no. 2 (2023): 1247–59, <https://doi.org/10.31004/jn.v7i2.16760>.

⁵ Merlita Yuli Safitri and Mahfud Mahfud, "The ASEAN Cross-Border Personal Data Transfer Instrument: Has Indonesian's Personal Data Protection Law Followed It?," *Udayana Law Master's Journal* 12, no. 3 (2023): 553–64, <https://doi.org/10.24843/JMHU.2023.v12.i03.p06>.

⁶ Valentino Polii, Dian Julius, and Cristina Looka Banaya, "Legal Protection of Personal Data Privacy in the Digital Era: A Comparative Study between Indonesia and ASEAN Countries," *Judge: Journal of Law and Social Sciences*, 2024, <https://doi.org/10.51903/yjyvvv47>.

⁷ Lu Sudirman, Hari Sutra Disemadi, and Arwa Meida Aninda, "Comparative Analysis of Personal Data Protection Laws in Indonesia and Thailand: A Legal Framework Perspective," *JED (Journal of Ethics of Democracy)* 8, no. 4 (2023): 497–510, <https://doi.org/10.26618/jed.v8i4.12875>.

No. 27 of 2022 promises more legal certainty in a codified regulation that is *specialist* (*Hukum et al.*) With the codification of regulations, personal data protection laws can provide a guarantee of legal certainty.⁸

In the Vietnamese legal system based on the Law on Promulgation of Legal Normative Document 2020, Decree (Nghị định) is a form of legislation under the law (Luật), based on the Law on Promulgation of Legal Normative Document, decrees only have administratively binding power and are not formed through a legislative process by the National Assembly of Vietnam. therefore Vietnam's decrees are vulnerable to policy changes and cannot provide legal certainty.⁹

As stated in Article 28G paragraph (1) of the Constitution of the Republic of Indonesia of 1945, there is a recognition of the importance of protecting the personal or private rights of each individual. Throughout history, the concept of privacy has developed as a widely recognized value in various countries, both through positive legal arrangements and in the form of unwritten moral norms. This right to privacy reflects the spiritual needs of human beings, namely the respect of feelings, thoughts, and the right of individuals to enjoy their life free from interference, known in legal doctrine as *the right to be alone*.⁹

According to Article 2 paragraph 1 of Decree No. 13/2023/ND. CP, The term personal data refers to information in electronic form which can be in the form of symbols, characters, letters, numbers, images, sounds, or other forms of representation that have a relationship, either directly or indirectly, with a certain individual and allow identification of that individual. Within the legal framework, personal data is classified into two main categories, namely general personal data and sensitive personal data, each of which has a different level of legal protection according to the potential risk of infringement of the data subject's privacy rights.

The conception of the right to privacy as a legal right was first conveyed by Samuel Warren and Louis Brandeis in their paper entitled "The Right to Privacy" in Harvard Law Review Vol. IV, No. 5, December 15, 1980. (and Need for Renewal and Djaf, n.d.) The concept of personal data protection is often understood as an integral part of efforts to protect the right to privacy. The relationship between the two is very close, as stated by Allan Westin, who is known as one of the pioneers in the study of information privacy. Westin defines privacy as the right of individuals, groups, or institutions to control decisions regarding the disclosure of information about themselves to others. Therefore, the definition he put forward is known as information privacy, because it specifically focuses on the management and control aspects of a person's personal information.¹⁰

With the development of technology that allows the exchange of large amounts of information, the protection of personal data has become very important to keep individuals safe and respect their rights. In the European Union, the regulation that sets the highest standards in terms of privacy is the General Data Protection Regulation

⁸ Putu Aryan Darma Sukerta and Andri Sutrisno, "Personal Data Protection in ASEAN: A Critical Comparison between Indonesia's and Malaysia's Legal Frameworks," *Constitutional Law Review* 3, no. 2 (2024), <https://doi.org/10.30863/clr.v3i2.5605>.

⁹ Sevy Septiana Afina and Rina Arum Prastyanti, "Personal Data Protection Analysis: Comparison of Indonesia and the United States as Federal Countries," *International Journal of Law, Crime and Justice* 2, no. 2 (2024), <https://doi.org/10.62951/ijlcj.v2i2.583>.

¹⁰ Muhammad Maleno and Andriana Kusumawati, "Comparative Analysis of Indonesia's Personal Data Protection Law with the European Union and California Regulations to Identify Best Practices in Protecting Public Privacy Rights," *Indonesia Law College Association Law Journal*, 2024.

(GDPR). The purpose of the GDPR is to give individuals greater control over their personal data. These regulations establish the rights of individuals to know how their data is processed, as well as the right to delete certain data.¹¹

Every form of data or information transmitted through electronic media has a very significant value. On the other hand, various activities carried out online also contain potential risks, especially when there is a data leak that can be used illegally by irresponsible parties. This condition requires firm, comprehensive, and non-sectoral legal protection, in order to regulate the appropriate use and management of data and information. The formulation of clear and comprehensive laws is crucial to establish a measurable and effectively implementable protection mechanism. In addition to providing legal certainty, the regulation also has coercive power so that every electronic system operator and other stakeholders are responsible for maintaining the security and confidentiality of personal data.¹²

An important milestone in the formation and development of personal data protection regulations in Indonesia occurred on September 20, 2022, when the Personal Data Protection Law (PDP Law) was officially passed in the plenary meeting of the House of Representatives of the Republic of Indonesia (DPR RI). In his statement, the Minister of Communication and Informatics, Johnny G. Plate, said that the process of drafting the law involved intensive cooperation between the government and the Working Committee (Panja) of Commission I of the House of Representatives of the Republic of Indonesia, which successfully completed the discussion of 371 Problem Inventory Lists (DIM). The draft PDP Law was previously submitted by President Joko Widodo to the Speaker of the House of Representatives of the Republic of Indonesia on January 24, 2020, as a form of the state's commitment to providing legal certainty for the management of personal data in the digital era.¹³

Law No. 27 of 2022 concerning Personal Data Protection (PDP Law) contains provisions in 16 chapters and 76 articles, which comprehensively regulate various crucial aspects in the protection of individual privacy rights. The substance of the regulation includes, among others, the rights of personal data subjects, provisions regarding data processing, the legal responsibilities of controllers and processors of personal data, the establishment of data protection supervisory authorities, and the imposition of administrative and criminal sanctions for violations of provisions. The scope of application of this Law covers all entities involved in the collection, storage, utilization, and distribution of personal data, whether individuals, corporations, government institutions, or private parties, including those from abroad as long as they provide services or process personal data within Indonesian jurisdiction.¹⁴

In forming a regulation from a law, both Law No. 27 of 2021 and Decree No. 13/2023/ND. CP Personal Data Protection certainly requires a mature concept and aspect in forming a good legislation. The aspects in question are philosophical, sociological and juridical or rasiological aspects which the author will explain below; (Irawan Febriansyah 2016)

¹¹ Sarah Saragih, Nadila Khalishah, and Gadis Sampun, "Artificial Intelligence and Data Privacy Protection: A Legal Comparison of Law Number 27 of 2022 Indonesia with Malaysia's Personal Data Protection Act 2010," *Maleo Law Journal* 9, no. 2 (2025), <https://doi.org/10.56338/mlj.v9i2.8826>.

¹² Samuel D Warren and Louis D Brandeis, "The Right to Privacy," *Harvard Law Review* 4, no. 5 (1890): 193–220.

¹³ Alan F Westin, *Privacy and Freedom* (New York: Atheneum, 1967).

¹⁴ Atheer Aljeraisy, "Exploring the Relationships between Privacy by Design Schemes and Privacy Laws: A Comparative Analysis," *ArXiv*, 2022.

1. Philosophical Aspects of Law No. 27 of 2022 concerning Personal Data Protection in Indonesia and Decree No.13/2023/ND. CP on Personal Data Protection in Vietnam

In Indonesia, philosophically, the regulation of the right to privacy over personal data is the embodiment of the recognition and protection of basic human rights. (Sinta Dewi Rosadi 2024) Pancasila as the basis of the state of the Republic of Indonesia as well as the source of all legal sources, is the main philosophical foundation in the formulation of personal data protection policies. Within the framework of legal philosophy, Pancasila functions as *aldea of Right* or the legal ideal that provides normative direction for the formation and application of national law. In particular, the second precept, namely "*A just and civilized humanity*," to be an ethical and moral foothold in ensuring the protection of the right to personal data. The protection aims not only to realize justice in the legal relationship between individuals and the operators of electronic systems, but also to affirm the importance of building a civilization that respects human dignity through respect for the right to privacy.¹⁵

(Tahir Azhary 2023) Based on the four main ideas of the Constitution of the Republic of Indonesia as the formation of positive laws agreed by experts as the legal ideals of the Indonesian nation, including;

- a. Ideals of Protection;
- b. Social Justice;
- c. Ideals of Usefulness;
- d. The Ideal of Public Justice.

The concept of protection in law contains the understanding that the legal system must be able to provide comprehensive protection guarantees for all Indonesian people. In Jeremy Bentham's view, the essential function of law lies in its ability to create order and guarantee a safe survival for every individual. Meanwhile, the idea of social justice demands equal and non-discriminatory treatment of all citizens, regardless of ethnic, religious, racial, or class background. In addition, the idea of benefit reflects the pragmatic value in law enforcement, namely that the law must be able to provide concrete benefits both for society and for the interests of the state as a whole.¹⁶ Thus, the drafters of the 1945 Constitution of the Republic of Indonesia did not only expect a state of law in a narrow sense. They also do not only want a state based on laws or state life that simply prioritizes the rule of law. Their main hope is the creation of a nation and state life that brings justice to all Indonesian people.

The philosophical approach in regulations related to the protection of Vietnam's personal data is rooted in Decree No. 13/2023/ND. The CP is derived from the principle of a socialist state that places collective security and national stability as the main values. In that context, data protection is not positioned as a form. The human rights inherent in the subject of personal data, as prevalent in liberal systems such as the GDPR, are part of the state's responsibility to maintain social order and public

¹⁵ Sukerta and Sutrisno, "Personal Data Protection in ASEAN: A Critical Comparison between Indonesia's and Malaysia's Legal Frameworks."

¹⁶ Firsta Rahadatul Aisy, Muhammad Azil Maskur, and A M Adzkiya Amiruddin, "Establishing Indonesia's Personal Data Protection Agency: Comparative Administration Sanctions Enforcement from Ireland, Australia, and Singapore," *Journal of Indonesian Legal Studies* 10, no. 1 (2025): 431–82, <https://doi.org/10.15294/jils.v10i1.13755>.

safety.¹⁷ In this decree the state plays an active role as the main legal subject that not only regulates, but also supervises the entire mechanism of personal data processing through the Ministry of Public Security, it shows that Vietnam's legal structure is very oriented towards administrative control and state security. In the conceptual (Huynh 2025) of "*an toàn*" which means safety and "*an ninh*" which means security, the two concepts are mixed to form the basis for the legitimacy of the state to be able to intervene in the private space of citizens, it aims to build a justification that states that the state needs to strictly control the flow of data in order to prevent digital threats to national sovereignty and stability. In addition to these two conceptals, there is the principle of "The State Protects the People" which means that the principle contains the philosophical meaning that individual rights are not absolute, but are granted and limited by the state according to collective needs. Therefore, Vietnam's philosophical approach places privacy not as an inherent individual freedom, but as a form of citizens' compliance with the legal system guided by the public and political interests of their country.

2. Sociological Aspects of Law No. 27 of 2022 concerning Personal Data Protection and Decree No. 13/2023/ND. CP on Personal Data Protection Vietnam

In Indonesia, the formulation of regulations related to the protection of personal data can be reviewed from a sociological perspective, namely in response to the needs of the community in ensuring the protection of individual rights, especially in the context of increasingly digitized social interaction. This regulation covers aspects of collection, processing, storage, and distribution of personal data by various parties. The main purpose of such arrangements is to create a balance between the protection of the privacy rights of individuals and the collective interests represented by the state. However, based on various surveys and social studies, it can be seen that the level of awareness of the Indonesian people towards the importance of privacy is still relatively low. This is allegedly related to privacy values that have not been fully embedded in local culture.¹⁸ The lack of understanding and appreciation of the right to privacy opens up opportunities for personal data violations and misuse, including in the form of the practice of buying and selling digital data such as accounts or the number of followers on social media. The rapid development of application technology has also expanded the space for violations of the integrity of a person's personal data and the rise of personal data leak cases to mean that the existence of regulations on personal data protection is very urgent and of course very urgent, not only for the subject of the data owner but when a massive data leak occurs, it can be a threat to national interests and sovereignty. If previously regulations related to personal data protection were still sectoral and partially dispersed, even causing inconsistencies in the definition and scope of personal data.¹⁹

¹⁷ Fachrul Razi, Hadi Tuasikal, and Dwi Pratiwi Markus, "Implementation and Challenges of the Personal Data Protection Law in Indonesia," *Indonesian Journal of Socio-Technology* 5, no. 12 (2024): 6559–65, <https://doi.org/10.59141/jist.v5i12.1285>.

¹⁸ Nawal Sholehuddin et al., "A Comparative Legal Analysis on Personal Data Protection Laws in Selected ASEAN Countries," *Journal of Muwafaqat* 7, no. 1 (2024): 23–38, <https://doi.org/10.53840/muwafaqat.v7i1.166>.

¹⁹ Nguyen Thi Quynh Trang and Nguyen Van Cuong, "Some Legal Aspects of Personal Data Protection in the World: Experience for Vietnam," *Cogent Social Sciences*, 2024, <https://doi.org/10.1080/23311886.2024.2414872>.

In Vietnam, the sociological aspects of personal data protection are greatly influenced by rapidly evolving social dynamics along with the modernization and digitalization of society. Along with the increasing investment in Vietnam which is driven by a youth population that is highly connected to technology. Vietnam, as one of the developing countries with rapid economic growth, has shown significant acceleration in the adoption of information and communication technologies, supported by a demographic structure dominated by the younger generation with relatively high levels of digital literacy. This phenomenon is strengthened by the increasing foreign direct investment (FDI) flows, especially from global technology companies such as Apple, Samsung, and Nvidia that have established production and development centers in various regions in Vietnam. The consequence of these developments is the increasing volume of personal data being collected, processed, and Saved by various entities, both private and public, which in turn raises the urgent need for a legal framework capable of providing guarantees of protection of the privacy rights of individuals. In a sociological context, personal data protection has a strategic role in maintaining public trust in digital infrastructure. As public participation in the digital ecosystem increases through the use of online applications, e-government services, and electronic transactions, the security and confidentiality of personal data are the main requirements to ensure the continuity of social interaction in the digital space. Without such protection, people tend to be wary or even refuse digital participation, which can ultimately hinder the development of the national digital economy. Furthermore, this decree also reflects the state's response to the growing public awareness of the importance of protecting personal data as part of human rights, especially the right to privacy.²⁰ However, this awareness still tends to be concentrated in urban and educated communities, while people in rural areas and vulnerable groups still face challenges in accessing digital literacy and legal protection mechanisms. This creates a digital divide (*Digital divide*) which has the potential to cause inequality in the realization of the right to personal data protection. Thus, *Decree No. 13/2023/ND-CP* It not only functions as a regulatory tool to regulate the technical management of personal data, but also has a significant sociological dimension, namely as an instrument of the state in building a social order that is adaptive to the development of information technology, as well as strengthening the state's legitimacy in managing the digital space in an inclusive and equitable manner.²¹

3. Juridical Aspects of Law No. 27 of 2022 concerning Personal Data Protection in Indonesia and Decree No. 13/2023/ND. CP on Personal Data Protection Vietnam

In Indonesia, the Basic Law of the Republic of Indonesia Article 28G is a manifestation of the mandate of the constitution, which mandates the need to establish laws and regulations that protect personal data. (Enny Nurbaningsih 2016) The use of science and technology needs to be directed to build the nation's competitiveness, as mandated in Law No. 17 of 2007 concerning the National Long-Term Development Plan (RPJPN) for 2005-2025. One of the important instruments in realizing this goal is the strengthening of regulations that regulate privacy and human rights (HAM), especially in the context of personal data protection. The state's

²⁰ Hamoud Alhazmi, Ahmed Imran, and Mohammad Abu Alsheikh, "Perception of Digital Privacy Protection: An Empirical Study Using GDPR Framework," *Information Systems Research Archive*, 2024.

²¹ Shaleeza Yaqoob Siddiqui et al., "Human Rights for the Digital Age," *International Human Rights Review*, 2024.

commitment to the protection of human rights is reflected in Article 3 of Law No. 39 of 1999 concerning Human Rights, which affirms that the right to privacy is an inseparable part of the human rights of every citizen.²²

Thus, laws and regulations regarding personal data protection are an integral part of the state's efforts to uphold the constitutional rights of citizens in the digital era.²³ Implementation of human rights, especially those related to personal data In the context of personal data protection, it is important to pay attention to the rights of others. Restrictions carried out to ensure public interest or order are a manifestation of the principle of social function, which is regulated in Article 28J of the Constitution of the Republic of Indonesia of 1945. In addition to the constitution and the Law on Human Rights, there are several provisions regarding personal data in Indonesia, one of which is regulations regarding the Administration of Population, Health, Banking, and Consumer Protection.²⁴

These provisions contribute to the legal framework that governs the protection of personal data in Indonesia. In addition to the provisions mentioned earlier, there are also several laws that regulate personal data, but have not effectively and strictly protected it. Some laws such as Insurance, Financial Services Authority, and Taxation The provisions in this law show that there are regulations regarding personal data, but they still need to be strengthened and affirmed so that the protection of personal data can be implemented more effectively. Under Vietnam's first constitution in 1946, the right to privacy is defined as an inalienable right enshrined in Article 11 which states that no one shall interfere with the privacy of the home or correspondence of Vietnamese individuals, which constitutes a precautionary acknowledgment of the personal information of the state.²⁵

Under the next constitution in 1959, 1980, 1992, the right to privacy has been recognized and legally protected although the general meaning is almost the same. The right of individuals to privacy recognized in the latest version of the Constitution in 2013 was expanded and closer to international standards that protect human rights. Vietnam's personal data protection has developed through various sectoral legal instruments. Decree No. 13/2023/ND. The CP prepared by the Ministry of Public Security is the government's effort to develop a more systematic legal framework. The decree certainly regulates basic principles but is not fully equivalent to international legal frameworks such as GDPR. Such as the absence of a legal basis or (Nam, 2023) *Legitimate Interest* as the basis for data processing, which causes legal flexibility to not be efficient.²⁶

From an institutional perspective, the supervisory authority established by the decree is under the direct control of the Ministry of Public Security, not an independent institution, which certainly raises juridical concerns because it can

²² Sholehuddin et al., "A Comparative Legal Analysis on Personal Data Protection Laws in Selected ASEAN Countries."

²³ Mehmet Berk Cetin, "Evaluating the Effects of Digital Privacy Regulations on User Trust," *Digital Governance Review*, 2024.

²⁴ Trang and Cuong, "Some Legal Aspects of Personal Data Protection in the World: Experience for Vietnam."

²⁵ J M Alvarez-Pallete, R Calderon, and M T Corzo, "Personal Data as a Human Right: A New Social Contract Based on Data Sovereignty, Human Dignity and Data Personalism," *Digital Rights Review*, 2026.

²⁶ Aprilia Dwi Rahmawati and Dodi Jaya Wardana, "Constitutional Guarantees of the Right to Privacy of Personal Data of Citizens in the Era of Government Digitalization," *Journal of Law, Politic and Humanities* 6, no. 2 (2025), <https://doi.org/10.38035/jlph.v6i2.2664>.

reduce transparency and accountability in the supervisory process. The rules related to cross-border data transfer in this decree require domestic storage and written approval from the government before data can be processed abroad, of course, it has an approach that is considered too risky and inefficient by hindering digital business activities.

Although this decree has begun to adopt a modern approach such as the Data Protection Impact Assessment (DPIA) and imposes an administrative sanction scheme in the form of imposing fines of up to 5% of revenue, institutional limitations and judicial capacity are major obstacles to effective law enforcement. Thus, the author can conclude that from a juridical point of view, the decree still requires substantial strengthening of the legal structure, institutional reform and harmonization with international standards in order to ensure the effectiveness of comprehensive personal data protection.²⁷

B. Background to the Establishment of Law No. 27 of 2022 concerning Personal Data Protection in Indonesia and Decree No. 13/2023/ND. CP on Personal Data Protection in Vietnam

As stated in the consideration section of its formation, the Personal Data Protection Law has the main function of guaranteeing citizens' constitutional rights to the protection of personal integrity. In addition to providing a legal basis for this right, this law also aims to foster public collective awareness of the urgency of protecting personal data in digital life. In this context, recognition and respect for the privacy rights of individuals are an ethical foundation that is expected to be internalized by all levels of society.²⁸ Therefore, the existence of this Law is expected to be able to form a safe, orderly, and respectful ecosystem of individual privacy rights, especially in the process of collecting, processing, and storing personal data. Indonesia, before the Personal Data Protection Law was passed, regulations regarding personal data protection were spread across several legal regulations.²⁹ Some of them are:

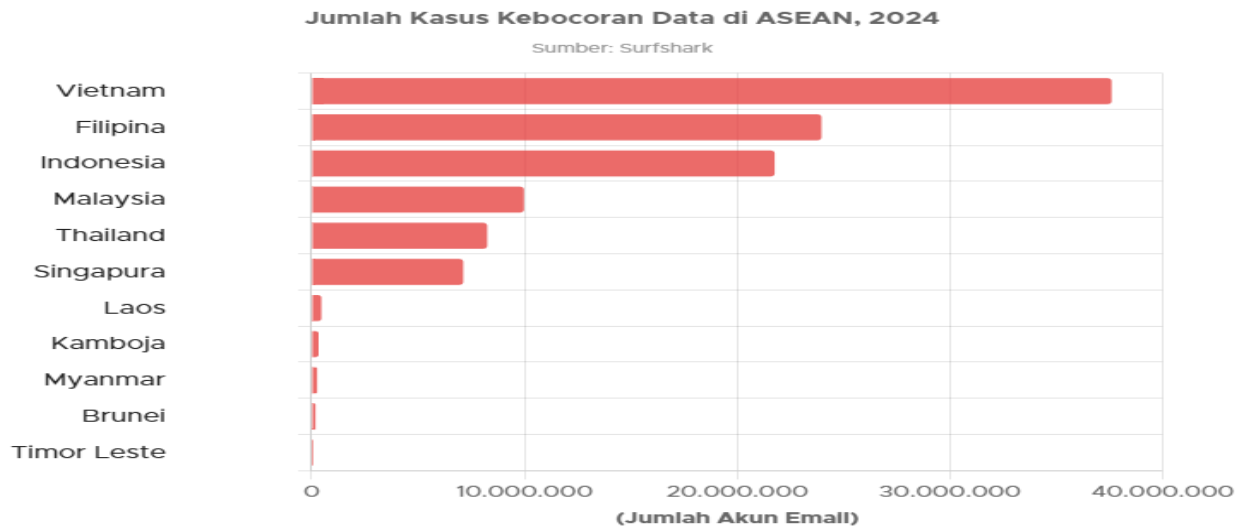
1. Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning Information and Electronic Transactions.
2. Law No. 39 of 1999 concerning Human Rights.
3. Law No. 14 of 2008 concerning Public Information Disclosure.
4. Law No. 23 of 2006 jo Law No. 24 of 2013 concerning Population Administration.

This widespread arrangement shows that personal data protection has become a concern in various aspects of the law in Indonesia, even though it has not been integrated into a specific law before the existence of the Personal Data Protection Law.

²⁷ Upik Mutiara and Romi Maulana, "Protection of Personal Data as Part of the Human Right to Personal Self-Protection," *Indonesian Journal of Law and Policy Studies* 1, no. 1 (2020), <https://doi.org/10.31000/ijlp.v1i1.2648>.

²⁸ Made Agus Danendra and Komang Widiana Purnawan, "Jurisdictional Conflicts in Cross-Border Personal Data Transfers: An Analysis of International Civil Law and the Constitutional Right to Privacy in Indonesia," *Kertha Speech* 16, no. 5 (2026).

²⁹ Nurhayati and Dwi Ratna Indri Hapsari, "Fragmented Regulation and the Emergence of Indonesia's Personal Data Protection Law," *Indonesian Legislation Journal* 21, no. 1 (2024): 45–63, <https://doi.org/10.54629/jli.v21i1.912>.



Based on data from Surfshark in 2024, Vietnam will be the country with the No. 1 most personal data leaks in the ASEAN region. It is estimated that there are 37. 608,041 email account data was successfully breached. and According to a report from the National Cybersecurity Association Vietnam, 46.15% of institutions and businesses reported experiencing at least one cyberattack last year, with 6.77% experiencing it periodically. The total number of cyberattacks during 2024 is 659,000. (Ridzky Alfathi 2025)³⁰

The high rate of misuse of personal data indicates systemic weaknesses, both in the technical aspects of data protection and in legal supervision that is not optimal. In addition, there is still a gap in legal norms that in detail and operationally regulate the implementation of the Personal Data Protection Law, thus opening a gap for violations. As a result, personal data is vulnerable to misuse, which can ultimately cause both material and immaterial losses to data owners.³¹ Actions in the form of misuse, theft, and the practice of buying and selling personal data are not only violations of the law in the field of information technology, but can also be qualified as violations of human rights, considering that personal data is part of the private rights that are inherently inherent in each individual and must be protected by the state. There are several examples of cases of misuse of personal data in Indonesia, which show how important it is to have stricter regulation and protection of personal data. These examples include:

1. Identity Theft Cases, where individuals use other people's personal data to commit fraud or other illegal acts.
2. Sale of Personal Data, A practice in which personal data is sold to third parties without the knowledge or consent of the data owner.

³⁰ Fajri Nursyamsi and Muhammad Ishar Helmi, "The Evolution of Personal Data Protection Regulation in Indonesia: From Sectoral Approach to Comprehensive Legislation," *Hasanuddin Law Review* 10, no. 2 (2024): 201–20, <https://doi.org/10.20956/halrev.v10i2.5123>.

³¹ Ahmad Redi and Rizky Ramadhan, "Legal Reform of Personal Data Protection in Indonesia and Its Constitutional Foundation," *Constitutional* 5, no. 1 (2024): 77–94, <https://doi.org/10.25041/constitutionale.v5i1.3381>.

3. Abuse of Data by the Company, Cases where the Company uses the customer's personal data for purposes that are not in accordance with the permission granted, such as aggressive marketing or the collection of more data than necessary.³²

These cases emphasize the need to strengthen regulations and public awareness of the importance of personal data protection. namely:

- a. Dukcapil

The Ministry of Home Affairs is investigating the alleged leak of 337 million data related to the Indonesian population that was sold on the hacker forum *brachforums*.

Of the one million sample data that could be accessed, the information leaked contained population identification numbers (NIK), full names, dates of birth, birth certificate numbers, blood type, religion, and marital status.³³

- b. Bank Indonesia (BI)

Bank Indonesia has issued an official statement acknowledging the occurrence of a data leak incident at one of its branches located in Bengkulu. This statement confirmed that as many as 16 computer units were targeted by the data security breach. This recognition also received verification from the State Cyber and Cryptography Agency (BSSN) as a related authority in the field of cybersecurity in Indonesia.³⁴

A technology security specialist from Vaksincom revealed that the personal data leak experienced by Bank Indonesia did not cause direct financial losses to people's accounts. However, this incident can have a significant impact on the financial sector in Indonesia, especially in the banking industry. This is due to the possibility that interested parties obtain information that should be confidential, such as the circulation of banknotes in various cities in Indonesia. In addition, Vaksincom also found data in the form of photos of Identity Cards (KTP) and Taxpayer Identification Numbers (NPWP) involved in the leak.

- c. National Data Center (PDN)

The PDN hack occurred due to a cyber attack by *Brain Cipher* using *ransomware*, which is software that works quickly like a virus to be able to encrypt data, as a result, the victim cannot access his data again because the attacker will lock the access. The data in the PDN server is important state data, such as Population Identification Number (NIK), Identity Card (KTP), mobile phone number, and other confidential personal data. (Grace Mayda & Rena Elvaretta 2024)

Examples of cases of misuse of personal data in Vietnam are as follows

- a. Data Leak at Tu Du Hospital

In August 2022, many women reported that after giving birth at Tu Du Hospital, they often received calls to promote baby products, maternal and baby care services, etc. The leaked data is so detailed that it includes not only the patient's phone number but also the date of birth, gender, and health status of the newborn. Suspecting the disclosure of patients' personal data, the Health Department and the Ho Chi Minh City People's Committee asked the hospital to clarify the matter.

³² Nguyen Duc Anh and Tran Minh Hoang, "Cybersecurity Incidents and Personal Data Protection in Vietnam: Regulatory Responses and Future Challenges," *Journal of Asian Public Policy* 18, no. 1 (2025): 89–108, <https://doi.org/10.1080/17516234.2025.2401187>.

³³ Vu Thi Lan Huong, "Data Protection Governance in Vietnam's Digital Economy," *Asian Journal of Comparative Law* 20, no. 1 (2025): 115–34, <https://doi.org/10.1017/asjcl.2025.8>.

³⁴ Muhammad Rizki Pratama and Rina Shahriyani Shahrullah, "Legal Challenges in Implementing Indonesia's Personal Data Protection Law," *Brawijaya Law Journal* 11, no. 1 (2024): 35–54, <https://doi.org/10.21776/ub.blj.2024.011.01.03>.

b. Two million account details from MSB leaked online

In November 2019, a data package including the information of more than two million customers of the Vietnam Maritime Commercial Combined Stock Bank (MSB) was posted on Raidforums.com. The data that is leaked is the username, ID number of the identity card, such as; phone number, address, date of birth, gender, email address, and occupation. Some customers in Hanoi and Bac Giang confirmed that the leaked information was identical to their personal data.³⁵

c. Illegal sales More than 16,000 Sapo customer data

As of November 2022, around 16,100 data believed to belong to Sapo customers were publicly sold by hackers (Sapo is a startup specializing in providing technology solutions to support retail and e-commerce, currently providing services to more than 150,000 businesses). The data disclosed includes name, email address, phone number, and user address.

Therefore, with Decree No. 13/2023/ND. CP Personal Data Protection on Personal Data Protection is expected to be a strong legal umbrella for the governance and protection of personal data of citizens and government officials

From the phenomenon that occurs, it can be concluded that in practice, there is metadata that contains personal information, which is voluntarily provided by individuals for certain purposes, such as banking services, e-commerce, and other digital sectors. The information is then stored in the form of digital data by business actors or other parties who obtain and manage the data. However, the metadata has a high level of vulnerability to misuse, both by parties who legitimately control the data, and by third parties who gain unauthorized access through hacking. This situation creates an opportunity for a violation of privacy rights, because data that should be used in accordance with the original purpose and consent can be transferred for other purposes without the knowledge or consent of the data owner. Attention has been paid to the issue of Indonesian data security which is of public concern. The government and Commission I of the House of Representatives agreed to bring the PDP Bill to the discussion of the House of Representatives Plenary Meeting.³⁶

In Vietnam historically, privacy has long been established in international and national legal documents. However, privacy rights no longer appear to be comprehensive enough to protect individuals from the risk of data theft being leaked in the context of strong digital economy developments. So personal data protection regulations have been built in tandem with the traditional right to privacy to create a shield with the aim of protecting individuals from adverse actions. Vietnam since 2006 has continuously developed various regulations related to privacy protection into the e-commerce law at the OECD level (or APEC working group) in 2014. Since then, the Cyber Information Security Law (CISL) of 2016, the highest level law enacted by the National Assembly of Vietnam, extends the existing protections to a set of data privacy principles that are the most detailed in the Vietnam Law, but with its scope limited to commercial processing and only in 'cyberspace', so it is not comprehensive. (Lâm 2024) (Chen 2016)³⁷

³⁵ Anindita Salsabila and Wahyu Nugroho, "Personal Data Breach and Human Rights Protection in Indonesia," *Human Rights Journal* 15, no. 2 (2024): 157-76, <https://doi.org/10.30641/ham.2024.15.157-176>.

³⁶ Rizky Kurniawan and Titis Anindyajati, "Data Privacy Violations as Human Rights Issues in the Digital Era," *Journal of Right-Finding* 13, no. 1 (2024): 1-18, <https://doi.org/10.33331/rechtsvinding.v13i1.1120>.

³⁷ Muhammad Fikri Hidayat and Nur Aisyah, "Population Data Breach and State Responsibility in Indonesia," *Journal of Legal Media* 31, no. 1 (2024): 44-62, <https://doi.org/10.18196/jmh.v31i1.20541>.

On September 29, 2020, the Government of Vietnam issued Resolution No. 138/NQ-CP to approve proposals related to the development of decisions regarding personal data. Furthermore, the government issued two resolutions to approve the preparation of decisions on personal data protection, including Resolution No. 27/NQ-CP dated March 7, 2022, and Resolution No. 13/NQ-CP dated February 7, 2023. After the government receives a draft or draft "law", Decree No.13/2023/ND-CP on *Personal Data Protection* will be issued and will take effect from July 1, 2023. These regulations or decrees are very important, not only related to the protection of personal data for every citizen, but to social management and the impact on the political security situation, and to ensure national sovereignty Unlike cybersecurity laws in other jurisdictions inspired by the EU GDPR, Vietnam's Cybersecurity Law has similarities with China's Cybersecurity Law enacted in 2017. Such laws focus on providing governments with the ability to control the flow of information while the Network Information Security Act imposes data privacy rights on individual data subjects.³⁸

Personal data is generally protected through regulations related to privacy rights. Efforts to protect the fundamental values of privacy have been considered since the first constitution in 1946 Article 21 of the 2013 Constitution stipulates that everyone has the right to privacy which is certainly inviolable, in the scope of which is personal secrets, family secrets, correspondence secrets and other forms of personal information exchange. In recognition of this, Vietnamese legislators began to consider protecting personal information in the law on information technology requiring that any party collecting and processing personal information obtain consent from the individual and must keep it confidential. However, some laws do not regulate or further clarify this issue coherently and comprehensively. The "hibernation" was maintained until 2015-2016 when the rise of cyber security issues was in the spotlight and reminded legislators of the need for urgent regulatory reform in this area, in combination with the extra-territorial effects of the EU's GDPR model.³⁹

CONCLUSION

This study concludes that the prohibition of interfaith marriage in Indonesia as affirmed in the Constitutional Court Decision Number 24/PUU-XX/2022 is a constitutional legal policy because it is in line with the principle of the One Godhead as Indonesia's constitutional identity. The right to form a family is not absolute, but must be implemented in harmony with religious freedom, respect for religious values, and restrictions on rights regulated in the 1945 Constitution of the Republic of Indonesia.

From the perspective of Islamic law, the prohibition has a strong normative foundation in the Qur'an, hadith, and the views of the majority of scholars, and is in line with the goals of *maqāṣid al-syarī'ah*, in particular the protection of religion (*ḥifẓ al-dīn*), heredity (*ḥifẓ al-nasl*), and the welfare of the family. Meanwhile, from a human rights perspective, the regulation cannot be seen as a violation of human rights, but as a form of *constitutional limitation* that in principle can be justified as long as it meets the principles of legality, legitimate purposes, necessity, and proportionality.

The contribution of this research lies in integrating the perspectives of constitutional law, Islamic law, and human rights in assessing the constitutionality of the

³⁸ Dimas Aryo Wicaksono, "Public Sector Data Breaches and Personal Data Protection in Indonesia," *Padjadjaran Journal of Law* 11, no. 2 (2024): 233–51, <https://doi.org/10.22304/pjih.v11n2.a5>.

³⁹ Yudhistira Nugraha and Arif Wicaksono, "Data Breaches in Financial Institutions and the Urgency of Personal Data Protection Compliance," *International Journal of Business and Society* 25, no. 1 (2024): 311–28, <https://doi.org/10.33736/ijbs.6121.2024>.

prohibition of interfaith marriage. This approach shows that the protection of religious values and respect for the constitutional rights of citizens are not two conflicting interests, but can be harmonized through an interpretation of the constitution that is oriented towards justice, benefit, and legal certainty.

ADVICE

Based on the results of the research, the author provides the following recommendations:

1. For lawmakers, it is necessary to harmonize and improve regulations in the field of marriage law to strengthen legal certainty without ignoring the values of the constitution and the characteristics of the Indonesian legal system.
2. For the Supreme Court and the judiciary, there is a need for more uniform guidelines for the application of the law in handling cases related to interfaith marriage to avoid disparity in verdicts and ensure legal certainty.
3. For the Ministry of Religion and the Ministry of Home Affairs, it is necessary to improve coordination in the implementation of marriage administration and civil registration so that the implementation of laws and regulations runs consistently and accountably.
4. For academics and researchers, further research needs to be directed to empirical studies on the implementation of the Constitutional Court Decision Number 24/PUU-XX/2022 as well as comparative analysis with countries that have different characteristics of religious and state relations.
5. For the development of legal science, it is necessary to strengthen interdisciplinary studies that integrate constitutional law, Islamic law, and human rights to produce family law formulations that are adaptive to the development of society, but still based on constitutional principles and religious values.

BIBLIOGRAPHY

- Afina, Sevy Septiana, and Rina Arum Prastyanti. "Personal Data Protection Analysis: Comparison of Indonesia and the United States as Federal Countries." *International Journal of Law, Crime and Justice* 2, no. 2 (2024). <https://doi.org/10.62951/ijlcj.v2i2.583>.
- Aisy, Firsta Rahadatul, Muhammad Azil Maskur, and A M Adzkiya Amiruddin. "Establishing Indonesia's Personal Data Protection Agency: Comparative Administration Sanctions Enforcement from Ireland, Australia, and Singapore." *Journal of Indonesian Legal Studies* 10, no. 1 (2025): 431-82. <https://doi.org/10.15294/jils.v10i1.13755>.
- Alhazmi, Hamoud, Ahmed Imran, and Mohammad Abu Alsheikh. "Perception of Digital Privacy Protection: An Empirical Study Using GDPR Framework." *Information Systems Research Archive*, 2024.
- Algebrais, Atheist. "Exploring the Relationships between Privacy by Design Schemes and Privacy Laws: A Comparative Analysis." *ArXiv*, 2022.
- Alvarez-Pallete, J M, R Calderon, and M t Corzo. "Personal Data as a Human Right: A New Social Contract Based on Data Sovereignty, Human Dignity and Data Personalism." *Digital Rights Review*, 2026.
- Anh, Nguyen Duc, and Tran Minh Hoang. "Cybersecurity Incidents and Personal Data Protection in Vietnam: Regulatory Responses and Future Challenges." *Journal of Asian Public Policy* 18, no. 1 (2025): 89-108. <https://doi.org/10.1080/17516234.2025.2401187>.
- Aziz, Muhammad Nur, M Abdim Munib, and Mochammad Mansur. "A Comparative Study

- of the Protection of Personal Data of Citizens between Indonesia and Malaysia." *Locus Journal of Academic Literature Review* 5, no. 1 (2025). <https://doi.org/10.56128/ljoalr.v5i1.811>.
- Cetin, Mehmet Berk. "Evaluating the Effects of Digital Privacy Regulations on User Trust." *Digital Governance Review*, 2024.
- Danendra, Made Agus, and Komang Widiana Purnawan. "Jurisdictional Conflicts in Cross-Border Personal Data Transfers: An Analysis of International Civil Law and the Constitutional Right to Privacy in Indonesia." *Kertha Wicara* 16, no. 5 (2026).
- Heriyanto. "A Comparative Analysis of Regulation and Legal Protection of Patient Data Privacy in Three Southeast Asian Countries (Indonesia, Singapore, and Laos)." *Journal of Ners* 7, no. 2 (2023): 1247–59. <https://doi.org/10.31004/jn.v7i2.16760>.
- Hidayat, Muhammad Fikri, and Nur Aisyah. "Population Data Breach and State Responsibility in Indonesia." *Journal of Legal Media* 31, no. 1 (2024): 44–62. <https://doi.org/10.18196/jmh.v31i1.20541>.
- Huong, Vu Thi Lan. "Data Protection Governance in Vietnam's Digital Economy." *Asian Journal of Comparative Law* 20, no. 1 (2025): 115–34. <https://doi.org/10.1017/asjcl.2025.8>.
- Kurniawan, Rizky, and Titis Anindyajati. "Data Privacy Violations as Human Rights Issues in the Digital Era." *Journal of RechtsVinding* 13, no. 1 (2024): 1–18. <https://doi.org/10.33331/rechtsvinding.v13i1.1120>.
- Lestari, Yuliana, and Muhammad Muqorobin Mujib. "Optimizing Personal Data Protection Legal Framework in Indonesia (A Comparative Law Study)." *The Rule of Law: Journal of Legal Studies* 11, no. 2 (2022): 203–34. <https://doi.org/10.14421/sh.v11i2.2729>.
- Maleno, Muhammad, and Andriana Kusumawati. "Comparative Analysis of Indonesia's Personal Data Protection Law with the European Union and California Regulations to Identify Best Practices in Protecting Public Privacy Rights." *Indonesia Law College Association Law Journal*, 2024.
- Mutiara, Upik, and Romi Maulana. "Protection of Personal Data as part of the human right to personal personal protection." *Indonesian Journal of Law and Policy Studies* 1, no. 1 (2020). <https://doi.org/10.31000/ijlp.v1i1.2648>.
- Nugraha, Yudhistira, and Arif Wicaksono. "Data Breaches in Financial Institutions and the Urgency of Personal Data Protection Compliance." *International Journal of Business and Society* 25, no. 1 (2024): 311–28. <https://doi.org/10.33736/ijbs.6121.2024>.
- Nurhayati, and Dwi Ratna Indri Hapsari. "Fragmented Regulation and the Emergence of Indonesia's Personal Data Protection Law." *Journal of Indonesian Legislation* 21, no. 1 (2024): 45–63. <https://doi.org/10.54629/jli.v21i1.912>.
- Nursyamsi, Fajri, and Muhammad Ishar Helmi. "The Evolution of Personal Data Protection Regulation in Indonesia: From Sectoral Approach to Comprehensive Legislation." *Hasanuddin Law Review* 10, no. 2 (2024): 201–20. <https://doi.org/10.20956/halrev.v10i2.5123>.
- Polii, Valentino, Dian Julius, and Cristina Looka Banaya. "Legal Protection of Personal Data Privacy in the Digital Era: A Comparative Study between Indonesia and ASEAN Countries." *Judge: Journal of Law and Social Sciences*, 2024. <https://doi.org/10.51903/yjyvvvy47>.
- Pratama, Muhammad Rizki, and Rina Shahriyani Shahrullah. "Legal Challenges in Implementing Indonesia's Personal Data Protection Law." *Brawijaya Law Journal* 11, no. 1 (2024): 35–54. <https://doi.org/10.21776/ub.blj.2024.011.01.03>.
- Rahmawati, Aprilia Dwi, and Dodi Jaya Wardana. "Constitutional Guarantees of the Right

- to Privacy of Personal Data of Citizens in the Era of Government Digitalization." *Journal of Law, Politics and Humanities* 6, no. 2 (2025). <https://doi.org/10.38035/jlph.v6i2.2664>.
- Razi, Fachrul, Hadi Tuasikal, and Dwi Pratiwi Markus. "Implementation and Challenges of the Personal Data Protection Law in Indonesia." *Indonesian Journal of Social Technology* 5, no. 12 (2024): 6559–65. <https://doi.org/10.59141/jist.v5i12.1285>.
- Redi, Ahmad, and Rizky Ramadhan. "Legal Reform of Personal Data Protection in Indonesia and Its Constitutional Foundation." *Constitutional* 5, no. 1 (2024): 77–94. <https://doi.org/10.25041/constitutionale.v5i1.3381>.
- Safitri, Merlita Yuli, and Mahfud Mahfud. "The ASEAN Cross-Border Personal Data Transfer Instrument: Has Indonesian's Personal Data Protection Law Followed It?" *Udayana Journal of Law* 12, no. 3 (2023): 553–64. <https://doi.org/10.24843/JMHU.2023.v12.i03.p06>.
- Salsabila, Anindita, and Wahyu Nugroho. "Personal Data Breach and Human Rights Protection in Indonesia." *Journal of Human Rights* 15, no. 2 (2024): 157–76. <https://doi.org/10.30641/ham.2024.15.157-176>.
- Saragih, Sarah, Nadila Khalishah, and Gadis Sampun. "Artificial Intelligence and Data Privacy Protection: A Legal Comparison of Law Number 27 of 2022 Indonesia with Malaysia's Personal Data Protection Act 2010." *Maleo Law Journal* 9, no. 2 (2025). <https://doi.org/10.56338/mlj.v9i2.8826>.
- Sholehuddin, Nawal, Surianom Miskam, Farah Mohd Shahwahid, Tuan Nurhafiza Raja Abdul Aziz, and Naqibah Mansor. "A Comparative Legal Analysis on Personal Data Protection Laws in Selected ASEAN Countries." *Journal of Muwafaqat* 7, no. 1 (2024): 23–38. <https://doi.org/10.53840/muwafaqat.v7i1.166>.
- Siddiqui, Shaleeza Yaqoob, Sara Farooqi, Wajeel your Rehman, and Laiba Zulfiqar. "Human Rights for the Digital Age." *International Human Rights Review*, 2024.
- Sudirman, Lu, Hari Sutra Disemadi, and Arwa Meida Aninda. "Comparative Analysis of Personal Data Protection Laws in Indonesia and Thailand: A Legal Framework Perspective." *JED (Journal of Democratic Ethics)* 8, no. 4 (2023): 497–510. <https://doi.org/10.26618/jed.v8i4.12875>.
- Sukerta, Putu Aryan Darma, and Andri Sutrisno. "Personal Data Protection in ASEAN: A Critical Comparison between Indonesia's and Malaysia's Legal Frameworks." *Constitutional Law Review* 3, no. 2 (2024). <https://doi.org/10.30863/clr.v3i2.5605>.
- Taufiq, Muchamad, and Ananda Salsabila Kenyo. "The Legal Protection of Personal Data in the Digital Era: A Comparative Study of Indonesian Law and the GDPR." *International Journal of Business, Law, and Education* 6, no. 2 (2024). <https://doi.org/10.56442/ijble.v6i2.1178>.
- Trang, Nguyen Thi Quynh, and Nguyen Van Cuong. "Some Legal Aspects of Personal Data Protection in the World: Experience for Vietnam." *Cogent Social Sciences*, 2024. <https://doi.org/10.1080/23311886.2024.2414872>.
- Warren, Samuel D, and Louis D Brandeis. "The Right to Privacy." *Harvard Law Review* 4, no. 5 (1890): 193–220.
- Westin, Alan F. *Privacy and Freedom*. New York: Atheneum, 1967.
- Wicaksono, Dimas Aryo. "Public Sector Data Breaches and Personal Data Protection in Indonesia." *Journal of Law* 11, no. 2 (2024): 233–51. <https://doi.org/10.22304/pjih.v11n2.a5>.