

RINGKASAN

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**PERLINDUNGAN HUKUM TERHADAP DATA
PRIBADI AKIBAT KEBOCORAN DATA NASIONAL
BERDASARKAN UNDANG-UNDANG NOMOR 27
TAHUN 2022 TENTANG PELINDUNGAN DATA
PRIBADI**

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Perlindungan data pribadi merupakan bagian dari hak konstitusional warga negara yang dijamin dalam Pasal 28G ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Meningkatnya pemanfaatan teknologi digital telah membuka kerentanan baru terhadap penyalahgunaan data pribadi, yang tercermin dari maraknya insiden kebocoran data di Indonesia sejak tahun 2021 hingga puncaknya pada kebocoran Pusat Data Nasional tahun 2024. Kondisi ini menimbulkan pertanyaan mengenai bagaimana bentuk perlindungan hukum terhadap data pribadi serta tanggung jawab hukum pemerintah akibat kebocoran data nasional berdasarkan Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi.

Penelitian ini bertujuan untuk mengetahui dan menganalisis bentuk perlindungan hukum terhadap data pribadi akibat kebocoran data nasional, serta tanggung jawab hukum pemerintah akibat kebocoran Pusat Data Nasional berdasarkan Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi. Metode penelitian yang digunakan adalah metode kualitatif dengan pendekatan yuridis normatif yang berfokus pada pendekatan perundang-undangan, kasus serta historis yang relevan sebagai dasar analisis terhadap permasalahan yang dikaji.

Berdasarkan hasil penelitian, Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi memberikan perlindungan hukum melalui dua bentuk, yaitu perlindungan preventif melalui pengaturan hak subjek data dan kewajiban pengendali data, serta perlindungan represif melalui sanksi administratif, pidana, dan perdata. Tanggung jawab hukum pemerintah atas kebocoran Pusat Data Nasional tahun 2024 bersifat multidimensi, meliputi tanggung jawab administratif berdasarkan Pasal 57 UU PDP, perdata berdasarkan Pasal 12 UU PDP dan Pasal 1365 serta Pasal 1366 KUHP perdata, serta pidana berdasarkan Pasal 67 UU PDP dan Pasal 30 UU ITE. Namun efektivitasnya masih terhambat oleh belum terbentuknya lembaga pengawas independen dan belum disahkannya peraturan pelaksana UU PDP.

Disarankan kepada pemerintah untuk segera membentuk lembaga pengawas independen dan mengesahkan peraturan pelaksana UU PDP, serta kepada aparat penegak hukum untuk menegakkan ketentuan perlindungan data pribadi secara konsisten dan tegas guna memberikan kepastian hukum bagi seluruh subjek data pribadi.

Kata Kunci : Perlindungan Hukum, Data Pribadi, Kebocoran Data

SUMMARY

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Legal Protection of Personal Data Due to National Data Breaches Based on Law Number 27 of 2022 concerning Personal Data Protection.

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Personal data protection constitutes a constitutional right of citizens guaranteed under Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia and forms an integral part of broader human rights protection. The rapid advancement of digital technology has opened new vulnerabilities to the misuse of personal data, as evidenced by the growing number of data breach incidents in Indonesia from 2021 through their peak in the 2024 National Data Center breach. This situation raises fundamental questions concerning the forms of legal protection afforded to personal data as well as the legal responsibility of the government arising from national data breaches under Law Number 27 of 2022 concerning Personal Data Protection.

This study aims to examine and analyze the forms of legal protection for personal data in the context of national data breaches, as well as the legal responsibility of the government arising from the National Data Center breach under Law Number 27 of 2022 concerning Personal Data Protection. The research employs a qualitative method with a normative juridical approach, focusing on statutory, case-based, and historical approaches as the analytical basis for examining the issues under study.

Based on the research findings, Law Number 27 of 2022 concerning Personal Data Protection provides legal protection through two mechanisms, namely preventive protection through the regulation of data subject rights and data controller obligations, as well as repressive protection through administrative, civil, and criminal sanctions. The government's legal responsibility for the 2024 National Data Center data breach is multidimensional, covering administrative liability under Article 57 of the Personal Data Protection Law, civil liability under Article 12 of the Personal Data Protection Law and Articles 1365 and 1366 of the Indonesian Civil Code, as well as criminal liability under Article 67 of the Personal Data Protection Law and Article 30 of the Electronic Information and Transactions Law. However, its implementation remains ineffective due to the absence of an independent supervisory authority and the lack of implementing regulations for the Personal Data Protection Law.

It is recommended that the government promptly establish an independent supervisory authority and enact the implementing regulations of the Personal Data Protection Law, and that law enforcement authorities consistently and firmly enforce personal data protection provisions in order to provide legal certainty for all personal data subjects.

Keywords: *Legal Protection, Personal Data, Data Breach*