

## Personal Data Leaks Ahead of 2024 Elections: Threats to Integrity and Public Trust

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### Abstract

This study aims to analyze the effectiveness of personal data protection in Indonesia, especially ahead of the 2024 General Election, with a focus on Undang-Undang Perlindungan Data Pribadi. Although the Undang-Undang PDP has provided a comprehensive legal framework, the results of the study show that challenges in its implementation are still significant, such as data leak incidents and weak law enforcement. The recommendations produced include increasing socialization and education, strengthening supervisory institutions, and collaboration between the government, institutions, and the community. With joint efforts, it is hoped that personal data protection can be improved so that the community feels safe in participating in the democratic process.

**Keywords** : Personal Data Protection, Undang-Undang PDP, Data Leaks, Election 2024, Public Trust

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### Introduction

The phenomenon of personal data leaks in Indonesia has become an increasingly pressing issue, especially ahead of the 2024 General Election. In the digital era marked by the widespread use of information technology, managing and protecting personal data is a complex challenge.<sup>1</sup> The recent data leak, in which an anonymous account named "Jimbo" claimed to have sold more than 252 million voter data entries allegedly from the official website of the General Elections Commission (KPU), shows how vulnerable the existing information system is. The leaked <sup>2</sup>Data includes sensitive information such as identity numbers, addresses, and voter status, which can be misused for political gain or fraud.

This voter data leak not only has the potential to harm individuals but can also damage public trust in the integrity of the election.<sup>3</sup> If the alleged leak is not handled seriously, the public will become increasingly sceptical of the use of technology in elections. This could result in decreased voter participation and damage the KPU's image as a transparent and accountable election-organizing institution. In this context, it is important to understand the long-term impact of the data leak on the legitimacy of the democratic process in Indonesia.

Although Law Number 27 of 2022 concerning Personal Data Protection (Undang-Undang PDP) has been enacted to provide strong legal protection, in reality, data leak incidents still often occur.<sup>4</sup> This raises major questions about the

<sup>1</sup>Syahril, M. A. F. (2023). Hukum Informasi dan Transaksi Elektronik.

<sup>2</sup>Setyawan, H. E. R. I., SIK, M., POLISI, K. B., PERSEORANGAN, K. K. I., & RI, L. (2023). Penguatan Literasi Digital Guna Menjaga Stabilitas Keamanan Menjelang Pemilu Tahun 2024 Dalam Rangka Ketahanan Nasional. Kertas Karya Ilmiah Perseorangan, Jakarta (Id): Lemhanas.

<sup>3</sup>Gani, T. A. (2023). Kedaulatan data digital untuk integritas bangsa. Syiah Kuala University Press.

<sup>4</sup>Arrasuli, B. K., & Fahmi, K. (2023). Perlindungan Hukum Positif Indonesia Terhadap Kejahatan Penyalahgunaan Data Pribadi. UNES Journal of Swara Justisia, 7(2), 369-392.

effectiveness of the law in protecting personal data in the digital era.

The implementation of the Undang-Undang PDP in the field still faces various challenges, such as unclear institutions and technical regulations, low readiness of data controllers, and lack of awareness and good practices in protecting personal data. The many data leak incidents indicate that the benefits of this law have not been fully felt by the public.<sup>5</sup>

The importance of increasing the effectiveness of the Undang-Undang PDP through several steps, such as the preparation of detailed implementing regulations, strengthening independent supervisory institutions, increasing awareness and compliance of data controllers, and the active role of the community in reporting data leak incidents.<sup>6</sup>

In the context of elections, data leaks can be exploited by certain parties to conduct unethical political campaigns, including the spread of false information and manipulation of public opinion.<sup>7</sup> This can create injustice in the election process and damage public trust in the election results. Therefore, efforts to prevent and handle data leaks must be a primary concern for the KPU and other related institutions.

The urgency of this research lies in the urgent need to understand the dynamics of personal data leakage in the context of elections. This research will help identify gaps in existing information security systems and provide strategic recommendations to strengthen data protection. By understanding the factors that cause data leakage, as well as its impact on public trust, this research can make a significant

contribution to formulating more effective policies.

The importance of personal data protection is also emphasized by various existing regulations, including the recently passed Personal Data Protection (PDP) Law. However, there are still many challenges in implementing this regulation, especially in the context of elections. Many parties argue that existing regulations are not yet fully harmonious and effective in protecting personal data, especially in the management of voter data by the KPU.

The voter data leak that occurred ahead of the 2024 Election shows that the KPU's information security system needs to be improved. The KPU as the data controller must be able to strictly implement the principles of integrity and confidentiality, including the implementation of a strong security system in processing personal data. In addition, transparency and accountability in data management must also be improved so that the public can feel safe and confident in the election process.

With the increasing threat of data breaches, collaboration between the government, KPU, and the public is very important. Education about personal data protection and awareness of the risks must be increased so that the public can play an active role in maintaining the security of their data. This effort will not only protect individuals but will also strengthen the integrity and legitimacy of the democratic process in Indonesia.

### **Research methods**

The legal research method used in this study is a normative approach, which focuses on the analysis of applicable legal norms laws and regulations related to personal data protection in Indonesia. This research will be conducted through a literature study, where researchers will collect and analyze various legal sources, including laws, government regulations, and other relevant

<sup>5</sup> Syahril, M. A. F. (2023). Cyber Crime in terms of the Human Rights Perspective. *International Journal of Multicultural and Multireligious Understanding*, 10(5), 119-130.

<sup>6</sup> Harian Disway Sulsel. 2024. Menyoal Efektivitas Hukum dalam Melindungi Data Pribadi di Era Digital. <https://diswaysulsel.com/menyoal-efektivitas-hukum-dalam-melindungi-data-pribadi-di-era-digital/>. diakses 10 September 2024

<sup>7</sup> Sudibyo, A. (2023). *Media Massa Nasional Menghadapi Disrupsi Digital*. Kepustakaan Populer Gramedia.

official documents.<sup>8</sup> With this approach, researchers can identify and evaluate the effectiveness of existing regulations, as well as understand how these legal norms are applied in practice.

In addition, a review of legislation will be an integral part of this research, where researchers will examine the provisions of Law Number 27 of 2022 concerning Personal Data Protection and other related regulations. Researchers will also compare regulations in Indonesia with international standards, such as the GDPR in the European Union, to evaluate the suitability and weaknesses of the existing legal system. Thus, this research is expected to provide constructive recommendations for improving personal data protection in Indonesia, as well as contributing to the development of legal science in the field of data protection.

### **Analysis and Discussion**

#### **Effectiveness of Law Number 27 of 2022 concerning Personal Data Protection**

The purpose of this study is to analyze the effectiveness of personal data protection in Indonesia, especially ahead of the 2024 General Election, with a focus on the Personal Data Protection Law.<sup>9</sup> In this context, legal analysis is carried out by linking relevant legal theories and existing legislative studies. The results of the study show that although the Undang-Undang PDP has been enacted, the challenges in its implementation are still very large, and this needs to be a serious concern for all parties.

One important finding is that the Undang-Undang PDP has not been fully effective in providing adequate protection for personal data. This can be seen from the many data leak incidents that have occurred, including cases involving voter data ahead

of the 2024 Election.<sup>10</sup> Although there are clear legal norms in the Undang-Undang PDP, weak implementation and enforcement are some of the main factors that hinder its effectiveness. Relevant legal theories, such as the theory of legal certainty, emphasize that to achieve justice, legal norms must be applied consistently and firmly.<sup>11</sup>

The Undang-Undang PDP consists of 16 Chapters and 76 Articles, covering various aspects of personal data protection. In Chapter I, Article 1 defines important terms such as Personal Data, Personal Data Protection, and Personal Data Processing. Chapter II regulates the principles of personal data protection, including the principle of legality and the principle of good faith, which are the basis for all data processing activities. Article 4 in Chapter III classifies personal data into specific and general personal data, which is important for understanding the level of protection required.<sup>12</sup>

The rights of personal data subjects are regulated in Articles 7-15, which provide individuals with the right to know, access, correct, and delete their data. This shows that the Undang-Undang PDP not only provides legal protection but also recognizes fundamental human rights.<sup>13</sup> However, in practice, many data controllers do not fully understand and implement these provisions. This shows a gap between legal norms and reality on the ground, which needs to be addressed through education and training for data controllers.

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<sup>8</sup>Juliardi, B., Runtuwu, Y. B., Musthofa, M. H., TL, A. D., Asriyani, A., Hazmi, R. M., ... & Samara, M. R. (2023). METODE PENELITIAN HUKUM. CV. Gita Lentera.

<sup>9</sup> *Vide* Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi

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<sup>10</sup> Purba, Y. O., & Mauluddin, A. (2023). Kejahatan Siber dan Kebijakan Identitas Kependudukan Digital: Sebuah Studi Tentang Potensi Pencurian Data Online. JCIC: Jurnal CIC Lembaga Riset dan Konsultan Sosial, 5(2), 55-66.

<sup>11</sup> Indriani, M., & Putri, A. A. Persetujuan Dinamis sebagai Sarana Optimalisasi Pelindungan Data Pribadi dan Hak atas Privasi (The Dynamic Consent for Optimizing Personal Data Protection and The Right to Privacy).

<sup>12</sup> *Vide* Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi

<sup>13</sup> *Vide* Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi

Legislation review shows that although the Undang-Undang PDP has covered various important aspects of personal data protection, there are still some shortcomings. For example, the provisions regarding sanctions for violators of the law as regulated in Articles 38-41 are not yet firm and clear enough. This has the potential to cause repeated violations because violators feel that there are no significant consequences.<sup>14</sup>The theory of sanctions law states that effective sanctions must be able to provide a deterrent effect for violators. Therefore, there needs to be a revision of the provisions on sanctions in the Undang-Undang PDP to be firmer and provide a deterrent effect.

Furthermore, supervision of the implementation of the Undang-Undang PDP is still weak. The Supervisory Body appointed to supervise the implementation of this Law, as stipulated in Articles 42-45, does not yet have adequate resources and authority. This has implications for the low level of compliance of data controllers in carrying out their obligations. Administrative law theory states that effective supervision is key to ensuring compliance with legal norms. Therefore, strengthening the institution and resources for the supervisory body is very important to increase the effectiveness of personal data protection.

### **Implications and Recommendations for Personal Data Protection**

In the context of elections, voter data leaks can have a very serious impact on the integrity of the democratic process. If the public loses confidence in the security of their data, this can lead to a decrease in voter turnout. The theory of legal legitimacy emphasizes that public trust in the legal system and state institutions is essential to maintaining social stability.<sup>15</sup>Therefore,

efforts to improve personal data protection should be a priority for the KPU and other related institutions.

One of the recommendations produced is the need for more intensive socialization and education regarding personal data protection, both for the general public and data controllers. The public needs to be given an understanding of their rights regarding personal data, as well as how to protect themselves from potential data misuse. On the other hand, data controllers must also be trained to understand and apply the provisions of the Undang-Undang PDP properly. The theory of legal education states that a good understanding of legal norms will increase compliance with the law.

In the normative study, it is important to analyze the norms contained in the Undang-Undang PDP and how these norms interact with human rights principles. Personal data is recognized as part of human rights, and its protection is an integral part of respect for the dignity of the individual.<sup>16</sup>In this context, the Undang-Undang PDP must ensure that the collection and processing of personal data is carried out with the clear and informed consent of the data subject. Human rights theory emphasizes that every individual has the right to privacy and protection of their data.

The influence of international regulations, such as the General Data Protection Regulation (GDPR) implemented in the European Union, also needs to be studied in the context of the development of the Undang-Undang PDP in Indonesia. The GDPR provides a comprehensive legal framework and emphasizes the responsibility of data controllers in protecting personal data. By studying best practices from the GDPR, Indonesia can strengthen the legal framework for personal data protection and increase public trust in the existing legal

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<sup>14</sup>Mirna, M. (2023). Analisis Pengaturan Keamanan Data Pribadi Di Indonesia. *Jurnal Ilmiah Living Law*, 15(1), 16-30.

<sup>15</sup>Afifuddin, M. (2020). Membumikan Pengawasan Pemilu: Mozaik Pandangan dan Catatan Kritis dari Dalam. *Elex Media Komputindo*.

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<sup>16</sup>Wisanjaya, I. G. P. E. (2023). Perlindungan Hak Privasi sebagai Bagian dari Hak Asasi Manusia dalam Sistem Hukum Nasional Indonesia. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 12(4), 853-872.

system. Comparative legal theory suggests that learning from the experiences of other countries can provide valuable insights in formulating better policies.

Furthermore, collaboration between the government, KPU, and the community is very important to increase the effectiveness of personal data protection.<sup>17</sup>In this context, cross-sector collaboration can create strong synergy in maintaining data security. The theory of legal collaboration emphasizes that cooperation between various parties can produce more effective and sustainable solutions. Therefore, there needs to be a forum or platform that allows various parties to discuss and share information related to personal data protection.

It is important to note that personal data protection is not only the responsibility of the government or a particular institution but also a shared responsibility. The public must actively participate in maintaining the security of their data. The theory of legal participation emphasizes that public involvement in the legal process will increase the legitimacy and effectiveness of the law. Therefore, awareness campaigns on personal data protection should be encouraged to encourage active public participation.

Finally, the importance of periodic evaluation and revision of the Undang-Undang PDP and other related regulations needs to be emphasized. With the rapid development of technology, existing regulations must be able to adapt to these changes. Dynamic legal theory states that laws must be flexible and responsive to social and technological changes. Therefore, periodic evaluation of the effectiveness of personal data protection will help ensure that the law remains relevant and effective in protecting individual rights in the digital age.

Overall, the results of the study show that although the Undang-Undang PDP has

provided a clear legal framework, there are still many challenges in its implementation. Efforts to improve personal data protection in Indonesia must involve all stakeholders, including the government, supervisory institutions, data controllers, and the public. With good cooperation and commitment to improving the existing system, it is hoped that personal data protection can be improved, so that the public can feel safe and confident in participating in the democratic process, especially ahead of the 2024 General Election.

### **Conclusion**

Although Law Number 27 of 2022 concerning Personal Data Protection (UNDANG-UNDANG PDP) has provided a comprehensive legal framework to protect the personal data of Indonesian citizens, its implementation still faces many challenges. One important finding is that the Undang-Undang PDP has not been fully effective in providing adequate protection, as seen from the many data leak incidents, including cases involving voter data ahead of the 2024 Election. Weak implementation and enforcement of the law, as well as inadequate supervision, are the main factors that hinder the effectiveness of the Undang-Undang PDP.

Efforts to improve personal data protection in Indonesia must be carried out comprehensively and involve all stakeholders, including the government, supervisory institutions, data controllers, and the public. Recommendations resulting from this study include: increasing socialization and education regarding personal data protection, strengthening institutions and resources for supervisory bodies, clarifying provisions on sanctions for violators, and encouraging collaboration and active participation from all levels of society. With joint efforts and strong commitment, it is hoped that personal data protection in Indonesia can be improved, so that the public can feel safe and confident in participating in the democratic process, especially ahead of the 2024 General Election.

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<sup>17</sup>Purwatiningsih, B., & Polri, W. I. S. S. L. Optimalisasi Penanggulangan Konflik Sosial Guna Mendukung Pemilu Damai 2024 Dalam Rangka Memelihara Kamtibmas. Sanyata, 63.



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**Conflict of Interest Statement:**

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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