

## ***Personal Data Subject Rights Protection: A Comparative Study Between Indonesian PDP Law And the UK Data Protection Act***

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### ***Abstract***

*Personal data protection has become an urgent legal issue in the digital era, especially with the increasing risks of data misuse. This study aims to analyze and compare the legal frameworks of Indonesia's Personal Data Protection Law No. 27 of 2022 and the United Kingdom's Data Protection Act 2018 in protecting the rights of data subjects. Using a normative juridical method with a comparative legal approach, this study examines key principles, enforcement mechanisms, and institutional structures in both legal systems. The research finds that while both laws emphasize individual data rights and accountability, the UK has a more established institutional framework (ICO) compared to Indonesia, which still lacks an independent supervisory authority. The novelty of this research lies in offering bilateral legal harmonization insights and adaptation strategies for Indonesia to meet international standards like GDPR while maintaining cultural and institutional relevance. The study concludes that Indonesia must strengthen its legal institutions and adopt a phased approach to regulatory convergence through establishing an independent data protection authority, capacity building, public legal awareness programs, and regional cooperation frameworks. It recommends a gradual harmonization roadmap starting from ASEAN PDP Framework implementation to eventual GDPR-style reforms to improve data protection effectiveness in the digital age.*

**Keywords:** *Comparative Law; Data Subject Rights; Legal Harmonization; Personal Data Protection*

## **1. INTRODUCTION**

In recent decades, digital technology advancements have influenced social, economic, and cultural life worldwide.<sup>1</sup> How data is collected, processed, and distributed represents a significant impact of these technological advancements. Personal data can be rapidly gathered from various aspects of human life, such as internet usage, mobile applications, and cloud-based systems. This includes simple data to more sensitive information, such as habits, preferences, and users' online behavioral history.<sup>2</sup> With technological advances, personal data can be used not only for legitimate purposes like improving services or providing more personalized customer experiences, but also can be misused. Financial fraud harming individuals to identity theft are some examples of this personal data misuse.<sup>3</sup>

The urgency of this research lies in Indonesia's critical need to align its data protection laws with international standards to ensure adequate privacy protection for its citizens and

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<sup>1</sup> T. A. R. Widyastuti et al., *Produk Digital: Revolusi Produk Digital & Inovasi Di Era Teknologi* (PT. Sonpedia Publishing Indonesia, 2024).

<sup>2</sup> A Setiawan, "Transformasi Digital Dan Tantangan Perlindungan Data Pribadi," *Jurnal Teknologi Dan Hukum* 12, no. 1 (2021): 45–46.

<sup>3</sup> P. Roszkowska, "Fintech In Financial Reporting And Audit For Fraud Prevention And Safeguarding Equity Investments," *Journal Of Accounting And Organizational Change* 17, no. 2 (2021): 164–96.

facilitate seamless cross-border data flows in the digital economy. Unlike previous research that focused on single jurisdictions or general frameworks, this study provides a comprehensive bilateral comparison between Indonesia's PDP Law and UK's Data Protection Act 2018, specifically analyzing how data subject rights protection mechanisms can be harmonized despite different legal traditions and development stages. The research offers practical insights for regulatory convergence and identifies specific adaptation strategies for Indonesia to meet international standards like GDPR while maintaining cultural and institutional relevance.<sup>4</sup>

With current technology, personal data processing can be done automatically using algorithms and artificial intelligence. This increases efficiency but also increases the possibility of misuse. Increasingly sophisticated data processing systems are often not transparent, making it difficult for people to know how their data is used and who can access it. Although laws to protect personal data have been enacted, there are still many problems in supervising and enforcing companies that handle personal data.<sup>5</sup> Personal data, which includes information such as names, addresses, identification numbers, and more sensitive information like medical and financial data, has become a valuable commodity in today's global market. With increasing online transactions, social media usage, and cloud technology adoption, personal data becomes more accessible and vulnerable to breaches. Without adequate protection, people's personal data can be misused.<sup>6</sup>

The study by Buckley analyzes GDPR implementation challenges across European countries, finding that while the regulation provides comprehensive protection, enforcement mechanisms vary significantly between jurisdictions.<sup>7</sup> Buckley's research highlighted procedural barriers and resource limitations but did not address the cross-cultural adaptation of privacy principles. Meanwhile, Johnson examined data protection frameworks in developing countries, particularly focusing on institutional capacity building.<sup>8</sup> Johnson's work demonstrated that regulatory transplantation from developed to developing countries requires significant adaptation but limited scope for bilateral comparative analysis. Furthermore, Loso investigated the effectiveness of data subject rights in digital economies,

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<sup>4</sup> M Surya, "Pengelolaan Data Pribadi Di Dunia Digital," *Jurnal Hukum Dan Teknologi* 10, no. 3 (2022): 72.

<sup>5</sup> Y Pratama, "Regulasi Perlindungan Data Pribadi Di Indonesia: Tantangan Dan Peluang," *Jurnal Hukum Dan Kebijakan Publik* 14, no. 1 (2023): 90.

<sup>6</sup> Robert Tanduk Apriadi and Hotmaulina Sihotang, "Transformasi Mendalam Pendidikan Melalui Kecerdasan Buatan: Dampak Positif Bagi Siswa Dalam Era Digital," *Jurnal Pendidikan Tambusai* 7, no. 3 SE-Articles of Research (December 31, 2023): 31742–48, <https://doi.org/10.31004/jptam.v7i3.12182>.

<sup>7</sup> Gerard Buckley, Tristan Caulfield, and Ingolf Becker, "How Might the GDPR Evolve? A Question of Politics, Pace and Punishment," *Computer Law & Security Review* 54 (2024): 106033, <https://doi.org/https://doi.org/10.1016/j.clsr.2024.106033>.

<sup>8</sup> L Johnson, "Data Protection in the UK: Analysis of the Data Protection Act 2018," *Journal of Privacy Law* 19, no. 2 (2020): 87–88.

revealing gaps between legal provisions and practical implementation.<sup>9</sup> Loso's study emphasized technological challenges but did not explore the harmonization potential between different legal systems.

This research differs from previous studies by providing a comprehensive bilateral comparison between Indonesia's PDP Law and UK's Data Protection Act 2018, specifically analyzing how data subject rights protection mechanisms can be harmonized despite different legal traditions and development stages. Unlike previous research that focused on single jurisdictions or general frameworks, this study offers practical insights for regulatory convergence and identifies specific adaptation strategies for Indonesia to meet international standards while maintaining cultural and institutional relevance.

Therefore, this research aims to analyze personal data protection regulations in Indonesia and the UK, to examine the implementation of personal data protection regulations through case studies and field practices, and to identify opportunities and challenges in harmonizing personal data protection regulations in the globalization era.

## **2. METHOD**

This normative juridical research focuses on legal regulations governing personal data protection in Indonesia and the United Kingdom. The normative juridical method with a comparative legal approach is used to analyze relevant national and international regulations and applicable legal principles related to personal data subject rights protection.<sup>10</sup> The research employs qualitative legal analysis by examining, comparing, and synthesizing legal norms, principles, and implementation practices between the two jurisdictions. Data analysis is conducted descriptively and qualitatively, comparing legal norms, principles, and implementation practices between Indonesia and the UK to identify similarities, differences, and harmonization opportunities.

This normative juridical research examines several key regulations: a) Law No. 27 of 2022 on Personal Data Protection, which is the main legal basis in Indonesia regulating individual rights related to their personal data; b) Data Protection Act 2018 in the UK, which is an implementation of the European Union's General Data Protection Regulation (GDPR); c) Relevant international legal instruments, such as OECD Privacy Guidelines and globally recognized principles regarding personal data protection.

## **3. RESULTS AND DISCUSSION**

### **3.1 Analysis of Personal Data Protection Regulations in Indonesia and the UK**

To address increasing cases of personal data breaches and the need for legal certainty in data management in the digital era, Law Number 27 of 2022 on Personal Data Protection

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<sup>9</sup> Loso Judijanto et al., "Efektivitas Kebijakan Perlindungan Data Pribadi Dalam Menjaga Hak Asasi Manusia Di Era Teknologi Di Indonesia," *Sanskara Hukum Dan HAM* 3, no. 01 (August 2024): 34–42, <https://doi.org/10.58812/shh.v3.i01>.

<sup>10</sup> J. Efendi and P. Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris*, 2nd ed. (Depok: Prenada Media Group, 2022).

(PDP Law) is the first law in Indonesia regulating personal data protection as part of human rights.<sup>11</sup> PDP Law aims to provide legal protection to personal data owners, protect privacy rights, and regulate data controller responsibilities. Comprising 16 chapters and 76 articles, the PDP Law addresses data protection principles and definitions, data subject rights, data controller responsibilities, supervisory institutions, dispute resolution, and criminal and administrative sanctions. One important element of this law is establishing a data protection authority responsible for monitoring law's implementation. However, specific procedures for forming this institution still need to be regulated in the implementing regulations.

The PDP Law regulates personal data protection principles that must be adhered to by all parties processing it. These principles include legality and compliance with the law, limited purpose, relevance, accuracy, limited storage, integrity and confidentiality, and data controller accountability. These principles align with the European Union's General Data Protection Regulation (GDPR) and other international standards. The PDP Law provides comprehensive rights to data subjects, including the right to information about their personal data, right to access, right to correct or complete, right to delete, right to withdraw consent for data processing, and right to object to data processing in certain situations as regulated in Articles 5 through 7.<sup>12</sup>

Structurally, the PDP Law regulates personal data protection principles that must be adhered to by all parties processing it. These principles include legality and compliance with the law, limited purpose, relevance, accuracy, limited storage, integrity and confidentiality, and data controller accountability. The European Union's General Data Protection Regulation (GDPR) combines these principles with other international principles.

To complement and implement the European Union's General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA 2018) came into effect on May 25, 2018.<sup>13</sup> This law maintains GDPR's basic principles while adding additional provisions not specifically covered in GDPR. After the UK left the European Union, "UK GDPR" was added to UK domestic law to complement GDPR and ensure UK data protection standards remain aligned with the EU, allowing cross-border data transfers without obstacles.<sup>14</sup> Therefore, DPA 2018 has two functions: as a complement to GDPR during the UK's EU membership, and as a national legal framework. The law establishes data controller rights and responsibilities, as well as the Information Commissioner's Office (ICO) authority as the data supervisory authority.<sup>15</sup> It also establishes procedures for complaints and data breach resolutions. Additionally, DPA 2018 provides certain exemptions for data processing for journalism purposes, academic research, and other legal reasons. Therefore, this regulation seeks to balance protecting individual privacy rights with public interest.

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<sup>11</sup> Indonesia, Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi, Lembaran Negara Republik Indonesia Tahun 2022 Nomor 210.

<sup>12</sup> European Parliament, "Guidelines 9/2022 on Personal Data Breach Notification under GDPR," 2023.

<sup>13</sup> *Data Protection Act 2018, c.12* (United Kingdom, 2018).

<sup>14</sup> The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019.

<sup>15</sup> *Data Protection Act 2018, c.12*.

The Data Protection Act 2018 establishes GDPR's key principles that every controller and data processor must comply with.<sup>16</sup> The first principle is truth, fairness, and transparency, requiring data processing to be lawful, fair, and transparent to data subjects. The second principle is purpose limitation, meaning data may only be collected for clear, explicit, and legitimate purposes and must not be processed in ways inconsistent with the law. Data must be collected in relevant, adequate, and limited amounts for specified purposes, according to the third principle. The fourth principle is accuracy, meaning data must be accurate and, if necessary, updated. The fifth principle is storage limitation, meaning data should not be stored longer than necessary for collection purposes. According to the sixth principle, integrity and confidentiality, data processing must be done with appropriate security guarantees, including protection against unauthorized or unlawful processing. Finally, the seventh principle is compliance, where data controllers are responsible for complying with and proving their compliance.

These are the basis for data protection in the UK, providing a strong legal framework for protecting personal data subject rights. If someone violates these principles, they may face administrative sanctions from the Information Commissioner's Office (ICO), which can include very large fines, depending on the level. It is expected that the Data Protection Act 2018 will encourage data controllers to create more accountable and responsible data management policies based on these principles.

The UK Data Protection Act 2018 (DPA 2018) and Law No. 27 of 2022 on Personal Data Protection (PDP Law) have similar data protection principles. In personal data collection and processing, both regulate basic principles such as lawfulness, fairness, and transparency. These principles emphasize that any data control and processing must be done lawfully, fairly, and openly for data recipients. Data subjects are also given basic rights by both laws, such as right to access their personal data, correct incorrect data, and request data deletion. However, there are differences in how these rights are used. In Indonesia's PDP Law, there are administrative provisions requiring data controllers to respond to data subject requests within a certain timeframe. Meanwhile, DPA 2018 provisions follow GDPR provisions, which provide a general 30-day timeframe for responding to data subject requests, with possible extensions in some cases.

Additionally, there are other differences in how sanctions are regulated. Indonesia's PDP Law threatens violators with administrative, civil, and criminal sanctions, including imprisonment for certain violations. However, DPA 2018 emphasizes administrative sanctions in the form of fines, which, depending on which is greater, can reach £17.5 million or 4% of the business actor's global annual income. These differences show that Indonesian law is stricter than UK law, which emphasizes economic sanctions more. Additionally, the PDP Law has a narrower scope compared to DPA 2018, as it still requires implementing regulations to regulate to implementation. Conversely, DPA 2018 has been integrated with the more comprehensive GDPR owned by the UK. This leads to different

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<sup>16</sup> Mason Hayes and Curran, "A Guide to the General Data Protection Regulation" (San Fransisco: MHC.ie, 2019).

regulations in preparing for new technology issues, such as artificial intelligence and big data.

### **3.2 Implementation of Personal Data Protection Regulations: Case Studies and Field Practices**

In Indonesia, Law No. 27 of 2022 on Personal Data Protection is implemented through supervision mechanisms managed by the Ministry of Communication and Information Technology (Kominfo) before establishing an independent supervisory institution.<sup>17</sup> The PDP Law requires establishing an independent personal data supervisory institution, but it has not been formed yet. In the PDP Law, breach reporting procedures are regulated by giving data subjects the right to complain about violations to data controllers or supervisory institutions; if data controllers do not follow up on complaints within a certain period, as regulated in Article 55 of the PDP Law, the supervisory institution has the authority to conduct investigations and determine administrative sanctions, such as written warnings, if serious violations occur.

Additionally, the PDP Law allows criminal law enforcement for certain violations, such as illegal personal data processing causing losses to data processing parties. According to Indonesian criminal procedure law, criminal law enforcement is carried out through general judicial mechanisms. Nevertheless, there are still issues implementing it in the field, such as organizational awareness of compliance and a lack of law enforcement resources to handle personal data protection issues.<sup>18</sup>

The Information Commissioner's Office (ICO) is an independent authority with broad powers to ensure organizations comply with data protection regulations. ICO has the authority to receive and follow up on public complaints, conduct inspections, make recommendations, and impose administrative sanctions against organizations violating these regulations. ICO provides breach reporting mechanisms through an online system allowing individuals or groups to report alleged violations directly. Additionally, in cases where organizations primarily involve regular monitoring on a large scale or sensitive data processing, the DPO is responsible for guaranteeing the organization's internal compliance with DPA 2018 and GDPR.

The implementation of Law Number 27 of 2022 on Personal Data Protection (PDP Law) in Indonesia faces many challenges. Human resources (HR) experienced in personal data protection is one of the main obstacles.<sup>19</sup> Human resources (HR) experienced in personal data protection is one of the main obstacles. This is exacerbated by limited adequate technological infrastructure to support effective PDP Law implementation. Research shows many organizations do not yet have a sufficient understanding of personal data protection, impacting the low compliance level with existing regulations.<sup>20</sup>

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<sup>17</sup> *Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi.*

<sup>18</sup> Kominfo, "Kebijakan Perlindungan Data Pribadi Di Indonesia," 2023.

<sup>19</sup> Wenderlin Koswara, "Implementasi Perlindungan Data Pribadi Berdasarkan Undang-Undang Nomor 11 Tahun 2020," *Jurnal Hukum, Politik Dan Ilmu Sosial* 3, no. 4 (2024): 70–88.

<sup>20</sup> Abdul Cholil and Rahmi, "Law Requirements on Personal Data Protection and Its Impact in Records Management," *ANUVA* 8, no. 4 (2024): 523–36, <http://ejournal.undip.ac.id/index.php/anuva>.

Additionally, many people are not yet aware of their rights related to personal data. Many people don't know they have the right to access, correct, or delete data stored by certain organizations.<sup>21</sup> Many people don't know about this because there isn't enough socialization and education provided by the government and related institutions. Another factor contributing to the lack of supervisory institution capacity is also a problem.

To address these challenges, various efforts have been made in both countries. In Indonesia, the government has initiated training and certification programs for HR in the field of personal data protection.<sup>22</sup> Additionally, public education campaigns are conducted to increase public awareness about their rights related to personal data. To enhance personal data protection in Indonesia, establishing an independent supervisory institution is necessary to oversee and enforce PDP Law violations. Moreover, adopting best practices from other countries and cooperating with international institutions is being considered. To build public trust, the ICO in the UK has created various guidelines and tools to help organizations understand and comply with DPA 2018 and UK GDPR.<sup>23</sup> Furthermore, international cooperation is strengthened, especially in addressing cross-border personal data protection issues. The UK often participates in international forums to exchange experiences and approaches regarding personal data protection and law enforcement.

### **3.3 Opportunities and Challenges in Harmonizing Personal Data Protection Regulations in the Globalization Era**

There is an urgent need for harmonization of personal data protection regulations because cross-country data exchange is very rapid in today's digital era. This is necessary to ensure data subject rights remain secure despite data moving across jurisdictions. To avoid violating local laws, many global companies operating in various countries need legal certainty regarding personal data transfer and processing mechanisms.<sup>24</sup> Without coordination, there is a risk of legal conflicts that can harm individuals, companies, and countries. The General Data Protection Regulation (GDPR), which has become the international standard for personal data protection, was established by the European Union. Many countries outside the European Union have changed their domestic laws to comply with GDPR, which facilitates international data transfers and provides access to markets worldwide. On the other hand, cultural differences in laws and approaches to privacy among countries become issues.

Indonesia has significant potential to adjust its personal data protection regulations to international standards like GDPR. Regulatory harmonization is crucial not only for protecting data subject rights but also for encouraging international trade in the digital

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<sup>21</sup> Rachmad Setyawan, "Harmonisasi Hukum Perlindungan Data Pribadi Di Era Digital," *Jurnal Hukum Internasional* 10, no. 1 (2023): 15.

<sup>22</sup> S Hidayah et al., "Tantangan Dan Peluang Sertifikat Elektronik Dalam Reformasi Pendaftaran Tanah Di Era Digital," *Jurnal Ilmiah Nusantara* 1, no. 6 (2024): 186–99, <https://doi.org/10.61722/jinu.v1i6.2793>.

<sup>23</sup> J Taylor, J Henriksen-Bulmer, and C Yucel, "Privacy Essentials," *Electronics* 13, no. 12 (2024): 2263, <https://doi.org/10.3390/electronics13122263>.

<sup>24</sup> W M Mufrihah and N Najmudin, "Transformasi Hukum Dagang Internasional Di Era Teknologi Blockchain Dan Cryptocurrency," *Ikraith-Ekonomika* 7, no. 3 (2024): 382–96, <https://journals.upi-yai.ac.id/index.php/IKRAITH-EKONOMIKA/article/view/4455>.

sector.<sup>25</sup> Digital business actors face legal uncertainty when processing and transferring personal data without clear cross-border regulatory agreements.<sup>26</sup> Indonesia can gain strategic advantages from adopting international standards, particularly in terms of increasing digital economy competitiveness and attracting foreign investment. By establishing a data protection legal framework comparable to international standards, Indonesia can more easily engage in economic cooperation with countries enforcing strict regulations related to international data transfers.

Based on comparative legal analysis and a functional approach to legal harmonization, Indonesia should adopt a gradual convergence strategy. The first phase should involve strengthening the ASEAN Framework on Personal Data Protection as a foundation for regional harmonization. This regional approach allows Indonesia to develop institutional capacity while learning from neighboring countries' experiences. The second phase should focus on establishing an independent data protection authority with clear enforcement powers, following the ICO model but adapted to Indonesia's administrative structure. The third phase should involve gradual alignment of substantive provisions with GDPR standards, including enhanced data subject rights, data breach notification requirements, and privacy by design principles.

However, to implement international standards, Indonesia must also consider its social, economic, and institutional capacities. Regulations that are too strict without infrastructure readiness and human resources potentially burden businesses, especially micro, small, and medium enterprises (MSMEs).<sup>27</sup> Therefore, Indonesia must gradually and flexibly achieve a balance between domestic needs and international standards.<sup>28</sup> Indonesia can also utilize regional cooperation, such as the ASEAN Framework on Personal Data Protection, as a first step towards regional harmonization. By actively engaging in regional and international forums, the country can strengthen its position in negotiations and the development of cross-country data protection standards.

Conversely, the process of applying international standards must consider Indonesia's capabilities in building a functioning compliance system.<sup>29</sup> Indonesia must strengthen institutions such as data protection authorities to ensure independent and professional supervision. Supervisory institutions are essential to ensure regulations are applied according to international standards and relevant to national situations. Besides institutions, the community and business actors must be more aware of personal data protection for the harmonization process to become substantive and normative. Without adequate

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<sup>25</sup> Raihan Saputra and Gevan Naufal Wala, "Pengaruh Kualitas Pelayanan Dan Kepercayaan Pelanggan Terhadap Loyalitas Konsumen Dalam Industri Jasa (Study Literature Review)," *Jurnal Greenation Sosial Dan Politik* 2, no. 2 (2024), <https://doi.org/10.38035/jgsp.v2i2>.

<sup>26</sup> R N Puspawardani, N Junus, and N F Elfikri, "Pengaturan Hukum Pasar Digital Dalam Memperkuat Dukungan Terhadap UMKM Di Platform E-Commerce," *Almufi Jurnal Sosial Dan Humaniora* 2, no. 1 (2025): 20–29.

<sup>27</sup> L. Aulia, "Implementasi Pemasaran Digital Melalui Instagram Pada UMKM Tahu Bakso Laris" (Universitas Islam Indonesia, 2024).

<sup>28</sup> Mohamad Kashuri and Taruna Ikrar, "The Strategic Role of the Indonesian FDA in Empowering Micro, Small, and Medium Enterprises in the Drug and Food Sectors: A Review," *Borneo Journal of Pharmacy* 8, no. 1 SE-Pharmaceutical Regulations (March 1, 2025): 1–14, <https://doi.org/10.33084/bjop.v8i1.8432>.

<sup>29</sup> Koswara, "Implementasi Perlindungan Data Pribadi Berdasarkan Undang-Undang Nomor 11 Tahun 2020."

understanding at the public and industry levels, the application of regulations based on international standards risks becoming ineffective in their implementation. Therefore, harmonization efforts must be accompanied by educational initiatives and socialization to increase awareness and data protection culture throughout society.

#### **4. CONCLUSION**

This study concludes that personal data protection is a critical issue in the digital era, requiring comprehensive legal frameworks and effective enforcement mechanisms. The comparison between Indonesia's Personal Data Protection Law No. 27 of 2022 and the UK's Data Protection Act 2018 reveals that while both regulations aim to protect data subject rights, the UK has a more advanced implementation framework supported by a dedicated and independent supervisory authority (ICO). Meanwhile, Indonesia faces significant challenges, including limited institutional capacity, low public awareness, and the absence of an independent data protection authority, as demonstrated by cases such as the BPJS Ketenagakerjaan data breach incident. The novelty of this research lies in its bilateral comparative analysis, which offers concrete adaptation strategies for Indonesia to align with international standards like the GDPR while maintaining relevance to local conditions. The study identifies that successful harmonization requires a phased approach based on legal transplantation theory and functional comparative law principles. To enhance personal data protection, the study recommends: establishing an independent supervisory authority with clear enforcement powers modeled after the ICO but adapted to Indonesia's institutional context; strengthening institutional capacity and legal awareness at all levels through comprehensive training and education programs; implementing a phased regulatory alignment strategy starting with ASEAN cooperation and progressing toward GDPR-style reforms; and intensifying public education campaigns on personal data rights to build a robust data protection culture. Through these systematic steps, Indonesia can improve the effectiveness of its data protection regime, build public trust in the digital economy, and achieve international recognition for its data protection standards, facilitating cross-border data flows essential for digital economic growth.

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