



Urgent Call for Public Data Protection: Lessons from Data Leakage at the Indonesian Child Protection Commission

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Abstract

Abstract

Privacy is a fundamental human right recognized in international human rights law. Indonesia acknowledges the importance of privacy protection. However, the current legal framework in Indonesia lacks comprehensive measures for protecting public data. On October 18, 2021, a data breach exposed sensitive information including identities of complainants and underage victims, case details, and mediation outcomes. This breach has significant implications: it undermines public trust in the Indonesian Child Protection Commission (KPAI) and jeopardizes the safety and well-being of victims and whistleblowers, potentially exposing them to further harm. This research employs normative legal research utilizing secondary data sources, employing descriptive, evaluative, and prescriptive methods. Legal and conceptual analyses address the interface between individual rights and state interests, while a comparative approach examines global practices in personal data protection, particularly pertinent to the challenges faced by KPAI. Urgently enacting the Draft Law on Public Data Protection (RUU PDP) is crucial for Indonesia to effectively address these pressing issues and ensure robust legal safeguards for public data.

A. Introduction

The analysis of the usefulness of public data has significantly developed in recent years, particularly in government administration, business activities, and personal data trade at



national, regional, and international levels. This research focuses on how public data collections can offer new insights into previously unresolved issues. However, public data also raises new privacy concerns.¹ A critical area of legal contention involves balancing two interests: protecting individual privacy rights and guaranteeing the public's right to access information that impacts people.² Therefore, comprehensive security measures and regulations are needed to safeguard personal data.³

In the public sector, particularly in implementing e-government systems, the government must prioritize security to prevent misuse by unauthorized parties and maintain public trust.⁴ Public data protection in Indonesia has recently become a viral topic on social media, causing widespread public anxiety.⁵ According to the Indonesian Cyber Attack Case Report from the Indonesian National Police, from January to September 2020, there were at least 18 reports of electronic system hacking, 39 data theft cases, and 71 data breaches.⁶ Protecting personal data is crucial because it is an essential aspect of an individual's privacy.⁷

Several significant cases highlight the urgency of public data protection in Indonesia. In May 2021, the Social Security Administration (BPJS) experienced a massive data breach⁸, leaking the personal information of 279 million Indonesians. Similarly, data breaches have occurred on commercial platforms such as Tokopedia and Shopback.⁹ Even the COVID-19 vaccine certificate of President Joko Widodo was leaked to the public.¹⁰ These incidents underscore the increasing threat of cyber attacks that can infiltrate various aspects of social activity through information and communication technology.¹¹

On October 18, 2021, a data leak was discovered at the Indonesian Child Protection Commission (KPAI)¹², an independent state institution responsible for protecting children from

¹ Kate Crawford and Jason Schultz, "Big Data and Due Process: Toward a Framework to Redress Predictive Privacy Harms by Kate Crawford, Jason Schultz :: SSRN," *Boston College Law Review*, 55, no. 93 (2014): 37, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2325784.

² Rahandy Rizki Prananda, "Batasan Hukum Keterbukaan Data Medis Pasien Pengidap Covid-19: Perlindungan Privasi VSTransparansi Informasi Publik", *Jurnal Law, Development & Justice Review*, Vol 3 No. 1, Juni 2020. <https://doi.org/10.14710/ldjr.v3i1.8000>

³ Lia Sautunnida, "Urgensi Undang-Undang Perlindungan Data Pribadi Di Indonesia; Studi Perbandingan Hukum Inggris Dan Malaysia", *Kanun Jurnal Ilmu Hukum Vol. 20, No. 2, (Agustus, 2018)* : 370, <https://doi.org/10.24815/kanun.v20i2.11159>

⁴ Bunga Asoka Iswandari, "Jaminan Atas Pemenuhan Hak Keamanan Data Pribadi Dalam Penyelenggaraan E-Government Guna Mewujudkan Good Governance", *Jurnal Hukum IUS QUIA IUSTUM* NO. 1 VOL. (28 JANUARI 2021). <https://doi.org/10.20885/iustum.vol28.iss1.art6>

⁵ Lia Sautunnida, "Urgensi Undang-Undang Perlindungan Data Pribadi Di Indonesia; Studi Perbandingan Hukum Inggris Dan Malaysia," *Kanun Jurnal Ilmu Hukum* 20, no. 2 (August 18, 2018): 369–84, <https://doi.org/10.24815/KANUN.V20I2.11159>.

⁶ Deanne Destriani Firmansyah Putri and Muhammad Helmi Fahrozi, "Upaya Pencegahan Kebocoran Data Konsumen Melalui Pengesahan Ruu Perlindungan Data Pribadi (Studi Kasus E-Commerce Bhinneka.Com)," *Borneo Law Review Journal* 5, no. 1 (July 5, 2021): 46–68, <https://doi.org/10.35334/BOLREV.V5I1.2014>.

⁷ Tiara Almira Raila, Sinta Dewi Rosadi, Rika Ratna Permata, "Perlindungan Data Privasi Di Indonesia Dan Singapura Terkait Penerapan Digital Contact Tracing Sebagai Upaya Pencegahan Covid-19 Serta Tanggung Jawabnya", *Jurnal Kepastian Hukum dan Keadilan*, Volume 2 Nomor 1, Desember 2020 : 3. <https://doi.org/10.32502/khdk.v2i1.3044>

⁸ "Polri Minta Bantuan Ahli Pecahkan Kasus Kebocoran Data BPJS Kesehatan - News Liputan6.Com," accessed October 25, 2021, <https://www.liputan6.com/news/read/4581596/polri-minta-bantuan-ahli-pecahkan-kasus-kebocoran-data-bpjs-kesehatan>.

⁹ "7 Kasus Kebocoran Data Yang Terjadi Sepanjang 2020 Halaman All - Kompas.Com," accessed October 25, 2021, <https://tekno.kompas.com/read/2021/01/01/14260027/7-kasus-kebocoran-data-yang-terjadi-sepanjang-2020?page=all>.

¹⁰ Syahrizal Sidik, "Geger Sertifikat Vaksinasi Jokowi Bocor, Ini Respons Kemenkes," *CNBC Indonesia*, accessed October 23, 2021, <https://www.cnbcindonesia.com/tech/20210905121451-37-273736/geger-sertifikat-vaksinasi-jokowi-bocor-ini-respons-kemenkes>.

¹¹ Ratnadi Hendra Wicaksana, Adis Imam Munandar, Palupi Lindiasari Samputra, "Studi Kebijakan Perlindungan Data Pribadi dengan Narrative Policy Framework: Kasus Serangan Siber Selama Pandemi Covid-19", *Jurnal IPTEK-KOM(Jurnal Ilmu Pengetahuan dan Teknologi Komunikasi)* Vol. 22 No. 2, (Desember 2020). <https://doi.org/10.33164/iptekkom.22.2.2020.143-158>.

¹² "Pencurian Database KPAI | Komisi Perlindungan Anak Indonesia (KPAI)," accessed October 24, 2021, <https://www.kpai.go.id/publikasi/pencurian-database-kpai>.

harmful actions¹³. The leaked data included the complete identity details of complainants, such as names, identity numbers, nationalities, telephone numbers, mobile numbers, religions, occupations, education levels, addresses, emails, birthplaces, birthdates, genders, provinces, cities, ages, and reporting dates. Additionally, it included monthly income data, case summaries, mediation results, and even identity data of underage victims. This highly sensitive and private information, which is supposed to be protected by the state, poses a significant risk of attracting online predators and causing mental and physical harm.¹⁴

The data protected by the state has been sold on the internet for around 35,000 rupiahs.¹⁵ This situation can cause significant issues for the *KPAI*, including loss of public trust and hesitation from complainants or potential reporters who may doubt the security of their personal information.¹⁶

At the Faculty of Law, Universitas Gadjah Mada, Faiz Rahman has written about the legal framework for personal data protection in implementing an electronic-based government system in Indonesia.¹⁷ Additionally, in the *Prasada Law Journal*, Fransiska Novita Eleanora and Andang Sari have discussed the role and function of the Indonesian Child Protection Commission in providing protection for victims of violence on the road.¹⁸ However, their work does not address the *KPAI*'s responsibility to secure the privacy of protected children.¹⁹

Given the increasing frequency of data breaches, it is crucial to question what guarantees the state provides to protect the privacy of reporters and victims²⁰, particularly children who are more vulnerable to physical and mental harm. How can the state effectively safeguard the fundamental privacy rights of its citizens?²¹

Currently, Indonesia lacks comprehensive regulations addressing personal data protection. This gap leaves citizens' data exposed and undermines public confidence in the government's ability to protect their privacy. Comprehensive legal reforms and robust data protection measures are urgently needed to ensure the safety and privacy of personal information in Indonesia.

¹³ Dwi Puji Lestari, "Peran Komisi Perlindungan Anak Indonesia (KPAI) Dalam Perlindungan Korban Kekerasan Anak," *Martabat: Jurnal Perempuan Dan Anak* 2, no. 2 (December 20, 2018), <https://doi.org/10.21274/MARTABAT.2018.2.2.315-338>.

¹⁴ "Data KPAI Yang Bocor Disebut Bisa Pancing 'Predator' Online," October 21, 2021, <https://www.cnnindonesia.com/teknologi/20211021160626-185-710569/data-kpai-yang-bocor-disebut-bisa-pancing-predator-online>.

¹⁵ "Data KPAI Yang Bocor Disebut Bisa Pancing 'Predator' Online."

¹⁶ "Kebocoran Data Kembali Terjadi, Apa Penyebabnya? - Tekno Liputan6.Com," accessed October 29, 2021, <https://www.liputan6.com/teknologi/read/4563541/kebocoran-data-kembali-terjadi-apa-penyebabnya>.

¹⁷ Faiz Rahman, "Kerangka Hukum Perlindungan Data Pribadi Dalam Penerapan Sistem Pemerintahan Berbasis Elektronik Di Indonesia," *Fakultas Hukum Universitas Gadjah Mada*, accessed October 28, 2021, <https://www.cnnindonesia.com/teknologi/20180305204703-213-280691/>.

¹⁸ Fransiska Novita Eleanora and Andang Sari, "Role and Function of Indonesian Child Protection Commission in Providing Against Victims of Violence in the Street," *Jurnal Hukum Prasada* 6, no. 2 (September 19, 2019): 103–8, <https://doi.org/10.22225/JHP.6.2.2019.103-108>.

¹⁹ rahman, "Kerangka Hukum Perlindungan Data Pribadi Dalam Penerapan Sistem Pemerintahan Berbasis Elektronik Di Indonesia."

²⁰ Dies Nurhayati, "Dampak Psikologis Tindak Pidana Kekerasan Seksual Terhadap Perempuan," *Perspektif* 12, no. 3 (September 19, 2020): 269–81, <https://doi.org/10.30742/PERSPEKTIF.V12I3.287>.

²¹ Maulana Yusup and Neni Ruhaeni, "Peraturan Perlindungan Data Pribadi Berdasarkan Instrumen Hukum Internasional Dan Implementasinya Di Indonesia," *Prosiding Ilmu Hukum; Vol 5, No 1, Prosiding Ilmu Hukum (Februari, 2019); 109-116*, January 17, 2019, <http://repository.unisba.ac.id:8080/xmlui/handle/123456789/20751>.

The research method employed in this research is normative legal research²² that analyzed secondary data in descriptive²³, evaluative, and prescriptive nature.²⁴ To address the research questions, several approaches are used: the legal approach and the conceptual approach for identifying the intersection between individual and state interests, and a comparative approach²⁵ for examining the dynamics of personal data protection in the context of data breaches experienced by *KPAI*.

Given this context, the research highlights the urgency of legalizing public data protection to safeguard fundamental human rights and reduce the number of victims from public data breaches. The author aims to analyze the necessity of protecting public data by examining cases of data leakage at the Indonesian Child Protection Commission. This analysis explores the dynamics of personal data protection regulations. The goal of this research is to contribute to the regulatory framework, particularly in the areas of human rights and privacy. The novelty of this research lies in its potential to significantly influence the implementation, protection, and fulfillment of human rights related to personal data protection.

B. Discussion

1. Human Rights for Privacy as A Fundamental Right

Privacy is an uncontestable fundamental human right. The OECD's 1980 Privacy Guidelines define privacy as "all information relating to an identifiable individual."²⁶ Privacy is crucial and is explicitly addressed in various international human rights conventions and declarations.

The Universal Declaration of Human Rights (UDHR) clearly states in Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks."²⁷ Similarly, the International Covenant on Civil and Political Rights (ICCPR) affirms the right to liberty and security, stating that everyone is entitled to personal liberty and security²⁸, and no one should be subjected to arbitrary or unlawful interference with their privacy.²⁹

Indonesia acknowledges the principles of human rights and has established regulations Law No. 39 of 1999 concerning Human Rights.³⁰ The protection of privacy and personal data in Indonesia is generally outlined in the 1945 Constitution (*UUD 1945*), particularly in Article 28G (1), which asserts that everyone has the right to protection of personal, family, honor, dignity, and property under authority.³¹ This includes the right to security and protection from threats that could infringe upon these rights.

²² Soerjono Soekanto, "Pengantar Penelitian Hukum / Soerjono Soekanto | OPAC Perpustakaan Nasional RI.," 9, accessed October 28, 2021, <https://opac.perpusnas.go.id/DetailOpac.aspx?id=3796>.

²³ Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, accessed October 29, 2021, <https://opac.perpusnas.go.id/DetailOpac.aspx?id=1174906>.

²⁴ Soekanto, "Pengantar Penelitian Hukum / Soerjono Soekanto | OPAC Perpustakaan Nasional RI."

²⁵ PM Marzuki, "Penelitian Hukum," 2005, https://repository.unsimar.ac.id/index.php?p=show_detail&id=2734&keywords=.

²⁶ "OECD Guidelines Governing The Protection Of Privacy And Transborder Flows Of Personal Data-11 Recommendation of the Council Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)" (2013).

²⁷ United Nations, "Universal Declaration of Human Rights | United Nations," accessed October 23, 2021, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

²⁸ "International Covenant on Civil and Political Rights," accessed October 23, 2021, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

²⁹ International Covenant on Civil and Political Rights.

³⁰ "Republik Indonesia. UU No. 39 Tahun 1999 Tentang Hak Asasi Manusia," accessed October 19, 2021, <https://peraturan.bpk.go.id/Home/Details/45361/uu-no-39-tahun-1999>.

³¹ "Undang-Undang Dasar Negara Republik Indonesia 1945" (n.d.).

Specific provisions concerning data and privacy rights are also addressed in the Electronic Information and Transaction Law No. 19 of 2016, Article 26 (1), stipulating that the use of any information through electronic media concerning an individual's data must be conducted with the individual's consent.³² However, Indonesia currently lacks comprehensive regulations specifically addressing public data protection.³³ Therefore, Indonesia enacted Law No. 23 of 2002 on Child Protection and established the Indonesian Child Protection Commission (*KPAI*) through Presidential Decree 77 of 2003.³⁴

Given these regulations and guidelines, both internationally recognized and domestically acknowledged, discussing public data, particularly the identity data of minors, without clear safeguards constitutes a significant violation of privacy rights that the state is obligated to protect. Urgent measures are necessary to prevent further harm from public data leaks and to uphold individuals' privacy rights effectively.

2. Data Leaking at the Indonesian Child Protection Commission and Its Impact

The Indonesian Child Protection Commission (*KPAI*) is an independent state institution that specifically provides protection for Indonesian children against all forms of harm. It is dedicated to ensuring every child's right to survive, grow, develop, and be protected from violence and discrimination.³⁵

The Indonesian Child Protection Commission's responsibilities include overseeing the implementation and fulfillment of children's rights, gathering data and information related to child protection issues, receiving and investigating public complaints regarding violations of children's rights, and mediating disputes arising from such violations.³⁶

Recent data released by *KPAI* indicates a significant number of registered cases from 2016 to 2020, totaling approximately 24,974 cases.³⁷ Among these, about 3,178 cases involve perpetrators and victims of pornography and cybercrime. Notably, there are 544 cases involving children as victims of online sexual crimes and 361 cases involving children as victims of bullying on social media.³⁸ These statistics underscore the trust placed by many victims and reporters in *KPAI*, as they disclose their identities and seek resolution for their issues through the commission.

On Monday, October 18, 2021, there was a data leak compromising the identity of the complainant and an underage victim, along with details of the case summary and mediation outcomes.³⁹ This incident has two significant impacts: firstly, it undermines public trust in *KPAI*'s ability to perform its duties effectively; secondly, it exacerbates the physical and mental harm to victims and the complainant by potentially exposing them to further risks from predators.

³² "UU No. 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik," accessed October 23, 2021, <https://peraturan.bpk.go.id/Home/Details/37582/uu-no-19-tahun-2016>.

³³ Rahman, "Kerangka Hukum Perlindungan Data Pribadi Dalam Penerapan Sistem Pemerintahan Berbasis Elektronik Di Indonesia."

³⁴ Lestari, "Peran Komisi Perlindungan Anak Indonesia (Kpai) Dalam Perlindungan Korban Kekerasan Anak."

³⁵ Undang-Undang Dasar Negara Republik Indonesia 1945.

³⁶ "UU No. 23 Tahun 2002 Tentang Perlindungan Anak," accessed October 24, 2021, <https://peraturan.bpk.go.id/Home/Details/44473/uu-no-23-tahun-2002>.

³⁷ "Data Kasus Pengaduan Anak 2016 – 2020 | Bank Data Perlindungan Anak," accessed October 24, 2021, <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>.

³⁸ "Data Kasus Pengaduan Anak 2016 – 2020 | Bank Data Perlindungan Anak."

³⁹ "Data KPAI Yang Bocor Disebut Bisa Pancing 'Predator' Online."

Children who have been victims or perpetrators of sexual crimes, pornography, and bullying are particularly vulnerable.⁴⁰ For instance, victims of sexual violence often suffer from Post-Traumatic Stress Disorder (PTSD), characterized by severe anxiety, emotional instability, and distinct psychological conditions.⁴¹ Such violence can also lead to social isolation and rejection from family, peers, and the broader community, compounding the trauma experienced.⁴²

The state has a fundamental duty to safeguard the privacy and future well-being of its citizens, particularly the younger generations, from violence and discrimination.⁴³ Research indicates that child victims and whistleblowers under the protection of *KPAI*, who have experienced various forms of trauma, often face more vulnerable conditions compared to children in general. This heightened vulnerability can make them easy targets for predators.⁴⁴

Failure of *KPAI* to adequately protect the data of victims and whistleblowers from such acts of violence could lead to doubts among potential complainants and victims. Moreover, public concerns about the security of their privacy may escalate, significantly impacting the handling of child violence cases in the future.

Public data plays a crucial role in the lives of people in the 21st century, offering solutions to previously challenging problems. However, it also introduces new challenges regarding privacy rights.⁴⁵ Indonesia has faced multiple instances of public data leaks, underscoring the urgent need for the government to prioritize human rights, particularly the privacy rights of whistleblowers and child victims.

Current laws appear inadequate in safeguarding public data owned by the government, often failing to keep pace with rapid technological advancements.⁴⁶ Consequently, legal frameworks lag behind technological developments, increasing the risk of data breaches and subsequent victimization. To address this, Indonesia has introduced a draft law known as the Personal Data Protection (PDP) bill to streamline government operations and enhance public service delivery while ensuring robust protections for individuals' data.⁴⁷

C. Conclusion

Privacy is a fundamental human right extensively safeguarded by various international conventions and declarations on human rights. Indonesia, as a nation committed to human rights, acknowledges the imperative of protecting privacy. However, Indonesia currently lacks comprehensive legislation addressing the protection of public data.

On October 18, 2021, a data breach exposed sensitive information including the identities of a complainant and an underage victim, case details, and mediation outcomes. This breach has two significant repercussions: it undermines public trust in the *KPAI*'s integrity and poses severe risks to the physical and mental well-being of victims and complainants by potentially exposing them to further harm.

⁴⁰ Susanti Noli And Pebriyenni Pebriyenni, "Peran Dinas Sosial Pemberdayaan Perempuan Dan Perlindungan Anak Dalam Menanggulangi Kekerasan Seksual Di Kabupaten Merangin," October 23, 2021.

⁴¹ Mifta Hanif Muslimah and Usmi Karyani, S.Psi, M.Si -, "Kesehatan Mental Pada Anak Korban Kekerasan Seksual," *Universitas Muhammadiyah Surakarta.*, 2019.

⁴² Nurhayati, "Dampak Psikologis Tindak Pidana Kekerasan Seksual Terhadap Perempuan."

⁴³ UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945.

⁴⁴ "Data KPAI Yang Bocor Disebut Bisa Pancing 'Predator' Online."

⁴⁵ Crawford and Schultz, "Big Data and Due Process: Toward a Framework to Redress Predictive Privacy Harms by Kate Crawford, Jason Schultz :: SSRN."

⁴⁶ Neil Richards and Jonathan King, "Big Data Ethics by Neil M. Richards, Jonathan King :: SSRN," *Wake Forest Law Review*, 2014, 2014, 40, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2384174.

⁴⁷ Anita Indah Widiastuti, "Urgensi Pengesahan RUU Perlindungan Data Pribadi (PDP) Di Tengah Pandemi COVID-19," *Universitas Negeri Semarang* 6, no. 1 (December 29, 2020), <https://doi.org/10.15294/SNHUNNES.V6I1.540>.

To mitigate the ongoing risks of public data leaks and alleviate public concerns, Indonesia should prioritize the immediate ratification of the Bill on Public Data Protection (*RUU PDP*). By doing so, Indonesia can assert its commitment to human rights and ensure robust legal safeguards for public data.

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