

Profesi Penunjang Pelindungan Data Pribadi dalam Transaksi Elektronik di Indonesia = Professional Support for Personal Data Protection in Electronic Transactions in Indonesia

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Abstrak

Dalam 3 (tiga) tahun terakhir sering terjadi kebocoran data pribadi sensitif yang melibatkan instansi pemerintahan dan perusahaan besar di Indonesia. Pelindungan data pribadi dan rasa aman atas privasinya merupakan hal fundamental yang wajib diberikan oleh negara pada setiap individu. Hal ini sesuai dengan Pasal 28G ayat (1) UUD NR1 1945 yang menyatakan bahwa pelindungan data pribadi adalah bagian dari Hak Asasi Manusia. Dalam implementasi PDP, diperlukan Profesi Penunjang Pelindungan Data Pribadi (PPDP) yang bertugas melakukan pengawasan tersebut secara berkala. Sedangkan, penerapan PPDP pun telah menjadi bagian regulasi Pelindungan Data Pribadi di 136 negara di dunia. Meski tingkat penerapan PPDP di berbagai negara memiliki perbedaan, tetapi hadirnya PPDP mampu menunjang pelaksanaan PDP. Di Indonesia, peran PPDP sudah diterapkan di beberapa perusahaan, lumrahnya terdapat di perusahaan multinasional atau perusahaan yang bergerak di bidang sistem informasi elektronik. Profesi penunjang ini pun menjadi salah satu materi muatan dalam Rancangan Undang-Undang Pelindungan Data Pribadi (RUU PDP). Rumusan masalah yang diangkat penelitian ini ialah lingkup pengaturan PDP dalam perspektif global, pengaturan PDP berdasarkan hukum positif Indonesia, dan implementasi PPDP di Indonesia. Penelitian dilakukan secara kualitatif dan hasil penelitian menyarankan diperlukan Undang-Undang PDP yang mengatur Profesi Penunjang PDP secara terperinci, baik dari segi ruang lingkup, tugas dan peran, ataupun sertifikasi kompetensi.

.....In the last 3 (three) years, there have been frequent leaks of sensitive personal data involving government agencies and large companies in Indonesia. Personal data protection (PDP) and security of their privacy are a fundamental thing that need to be provided by state to every citizen. This is in accordance with Article 28G paragraph (1) of the 1945 Constitution NR1 which states that PDP is part of Human Rights. In the implementation of the PDP, a Personal Data Protection Supporting Professional or "PPDP" is required to carry out such supervision on a regular basis. Meanwhile, the implementation of PPDP has also become part of the regulation of Personal Data Protection in 136 countries in the world. Although the level of implementation of PPDP in various countries has differences, the presence of PPDP can support the implementation of PDP. In Indonesia, the role of PPDP has implemented in several companies, usually in multinational companies or companies engaged in electronic information systems. This supporting profession has also become one of the content materials in the Personal Data Protection Bill (RUU PDP). The formulation of the problem raised by this research is the scope of PDP regulation in a global perspective, PDP regulation based on Indonesian positive law, and PPDP implementation in Indonesia. The research was conducted qualitatively, and results of the study suggest that a PDP Law is needed which regulates PDP Supporting Professionals in detail, both in terms of scope, duties, and roles, or competency certification.