

# LEGAL PROTECTION OF PERSONAL DATA AS A PRIVACY RIGHT FOR SOCIAL MEDIA USERS

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## Abstract

**Background** - Personal data is an asset that must be protected as it fundamentally represents an individual's right to privacy. This right is recognized as a constitutional right enshrined in Article 28G Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states: "Every person has the right to personal protection, family, honor, dignity, and property under their control, as well as the right to security and protection from fear of threats to do or not do something which constitutes a human right." Personal data protection is acknowledged as a constitutional right, commonly referred to as "data habeas," affirming that every individual has constitutional ownership over their personal information and is entitled to legal protection in the event of violations. Social media refers to internet-based applications that enable users to interact by creating, sharing, and receiving information content from others. Examples of social media include Facebook, Instagram, Line, WhatsApp, Telegram, YouTube, and others. The rapid development of social media has transformed human behavior and thought patterns in communication and actions. However, this freedom is sometimes misused to publish images, videos, and writings that contradict Indonesian cultural values or morality. The protection of personal data is a form of respect for the right to privacy, as guaranteed by the Indonesian Constitution, specifically Article 28G Paragraph (1). The legal framework for this protection also includes Law No. 11 of 2008 on Electronic Information and Transactions (ITE), enacted on April 21, 2008, which was amended by Law No. 19 of 2016 and further revised by Law No. 1 of 2024. If properly implemented, the ITE Law offers several advantages as the legal foundation for regulating electronic information and transactions in Indonesia, including: a. ensuring legal certainty for electronic transaction actors, b. promoting economic growth in Indonesia, and c. protecting the public and internet users from various online crimes (Setiawan and Halim 2024) In cases of privacy violations, the author will apply positive law to examine the issue. Additionally, this journal is expected to encourage the government to pay greater attention to and take action on privacy violation cases, as well as to strengthen legal protection for individuals affected by personal data breaches, particularly in the context of social media use. Based on the introduction, the research problems can be formulated as follows: 1. How effective are the regulations on personal data protection on social media through the ITE Law? 2. What legal protections are available for personal data as a privacy right for social media users?

**Purpose** - The objectives of this study are: first, to analyze the effectiveness of personal data protection regulations on social media through the Electronic Information and Transactions Law (ITE Law); and second, to assess the legal protection of personal data as a privacy right for social media users. This research aims to raise public awareness of the importance of safeguarding personal data when using social media.

**methodology** - This study employs a normative juridical approach, where law is conceptualized as encompassing all elements within legislation, including norms, principles, and rules. It also utilizes journals and literature relevant to the focus and cases studied. The research is descriptive-analytical, aiming to systematically, factually, and accurately analyze data related to the issues under investigation. The descriptive-analytical nature of the study seeks to provide the most precise data possible. The legal data sources include primary, secondary, and tertiary legal materials, which are analyzed qualitatively and presented descriptively. This involves explaining, outlining, and illustrating the problems and their solutions in relation to the formulated research questions.

**Findings** - The results of this study focus on legal protection of personal data of social media users, which is part of the individual's right to privacy. Underlining the importance of strong regulation through ITE Law Number 1 of 2024 concerning Electronic Information and Transactions, Law No. 27 of 2022 concerning Personal Data Protection and PERMENKOMINFO No. 20 of 2016 concerning Personal Data Protection in Electronic Systems. and increasing public awareness as social media users to ensure that the personal data of social media users remains protected as part of their right to privacy.

**Originality** - The originality or value of the title "Legal Protection of Personal Data as Privacy Rights for Social Media Users" lies in its relevance in the digital era, where personal data is a valuable asset but is often misused. This study is important because it connects the protection of privacy rights with the challenges of modern technology, such as massive data collection by social media platforms. This study also offers a contribution by exploring through the regulation of the Law and providing legal protection to protect users, so that the regulation of Personal Data will create a balance between individual and community rights through law enforcement in the context of the digital era.

Keywords: Social Media, Personal Data Protection, Privacy Rights

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