

## LEGAL REVIEW OF THE PROTECTION OF CONSUMER PERSONAL DATA IN E-COMMERCE TRANSACTIONS UNDER LAW NUMBER 27 OF 2022

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### Abstract

The enactment of Law No. 27 of 2022 on Personal Data Protection (PDP Law) marks a significant milestone in efforts to strengthen legal protections for consumers' personal data in Indonesia. These regulations on personal data protection are expected to bring Indonesia on par with developed nations that have implemented personal data protection laws, such as the European Union with its General Data Protection Regulation (GDPR). This will further promote and strengthen Indonesia's position as a trusted business hub, which is a key strategy in Indonesia's national economy. The obligation to implement adequate security measures is a crucial aspect of e-commerce platforms' responsibilities, encompassing the implementation of technical, organizational, and administrative security measures. Technically, e-commerce platforms are required to implement data encryption, multi-layered authentication systems, real-time security monitoring, regular data backups, and incident response mechanisms. Prior to the enactment of Law No. 27 of 2022 on Personal Data Protection (PDP Law), Indonesia faced a legal vacuum in regulating the specific responsibilities of digital platform operators regarding personal data security. Reliance on Law No. 11 of 2008 on Electronic Information and Transactions (EIT Law), which is of a general nature, has proven inadequate to address the complexities of data protection issues in the digital era.

**Keywords:** *Legal Protection, Consumer Personal Data, E-commerce Transactions.*

### INTRODUCTION (TNR, 12 BOLD)

The Indonesian government has recently enacted Law No. 27 of 2022 on Personal Data Protection, which is designed to provide legal certainty and comprehensive protection for the public's personal data. This law regulates the obligations of data controllers, the rights of data subjects, and administrative and criminal sanctions for violators to prevent the recurrence of e-commerce customer data breaches that have drawn public attention, such as the hacking incidents involving Tokopedia (2020) and Bukalapak (2021), as well as the alleged sale of customer data by third parties that implicated various digital companies. In the context of e-commerce, legal action taken against e-commerce customer data breaches—such as those involving Tokopedia (2020), Bukalapak (2021), or the hacking of BRI Life accounts (2022)—demonstrates that there are still gaps in reporting mechanisms, forensic investigations, and the restoration of victims' rights. This calls for the strengthening of enforcement instruments, interagency coordination, and improved legal and digital security education for business operators. While the expansion of e-commerce offers efficiency and convenience, its growth also presents new challenges regarding the protection of consumers' personal data. Online transactions involving sensitive data such as identity, address, and financial information pose potential risks of data breaches and misuse.

Prior to the enactment of Law Number 27 of 2022 on Personal Data Protection (PDP Law), Indonesia faced a legal vacuum in regulating the specific responsibilities of digital platform operators regarding the security of personal data. Reliance on the general provisions of Law No. 11 of 2008 on Electronic Information and Transactions (EIT Law) proved insufficient to address the complexities of data protection issues in the digital age. Consequently, victims of data breaches faced difficulties in seeking compensation due to the lack of clarity regarding liability mechanisms and due diligence standards that e-commerce platforms must meet.<sup>1</sup> Prior to the enactment of Law No. 27 of 2022 on Personal Data Protection (PDP Law), Indonesia faced a legal vacuum in regulating the specific

<sup>1</sup> Muhamad Aziz Zulkifli, Kekuatan Eksekutorial Perjanjian Jaminan Fidusia Yang Dibuat Dibawah Tangan Serta Upaya Perlindungan Hukum Terhadap Debiturnya, Jurnal Fakta Hukum (JFH)1, no. 1 (1 September 2022): 75–85, [https://doi.org/10.58819/jurnalfaktahukum\(jfh\).v1i1.34](https://doi.org/10.58819/jurnalfaktahukum(jfh).v1i1.34).

responsibilities of digital platform operators regarding the security of personal data. Reliance on the general provisions of Law No. 11 of 2008 on Electronic Information and Transactions (EIT Law) proved insufficient to address the complexities of data protection issues in the digital age. Consequently, victims of data breaches faced difficulties in seeking compensation due to the lack of clarity regarding liability mechanisms and due diligence standards that e-commerce platforms must meet. Reliance on -Law No. 11 of 2008 on Electronic Information and Transactions (UUITE), which is of a general nature, has proven inadequate to address the complexities of data protection issues in the digital age. The enactment of Law No. 27 of 2022 on Personal Data Protection (UU PDP) marks a significant milestone in efforts to strengthen legal protection for consumers' personal data in Indonesia. Regulations regarding personal data protection are expected to bring Indonesia on par with developed nations that have implemented laws on personal data protection, such as the European Union with its General Data Protection Regulation (GDPR). This will further promote and strengthen Indonesia's position as a trusted business hub, which is a key strategy in Indonesia's national economy. Many e-commerce platforms have yet to transparently publish privacy policies in accordance with the requirements of the 2022 Personal Data Protection Act, and have not established reliable data security systems. In some cases, reports of data breaches have not been disclosed to the public or to the authorities within the required timeframe.

## LITERATURE REVIEW

All private information is personal data, but not all personal information is part of an individual's privacy. The term "data" comes from the Latin plural meaning "that which is given."<sup>2</sup> In 2008, European Union member states established the General Data Protection Regulation, which defines personal data as information that can identify an individual in connection with identifiers such as name, identification number, an individual's location, physical data, physiological data, identity, and others.<sup>3</sup> In the implementation of legal protection, there are two means of exercising legal remedies. According to Philipus M. Hadjon, the means of legal protection are:

- Preventive legal protection is legal protection provided to a legal subject when they face an adverse action resulting from a definitive government decision.<sup>4</sup> Preventive legal protection aims to prevent disputes. This form of protection provides the public with an opportunity to express their opinions or objections (*inspraak*) before a final decision is made. With such protection in place, the government is motivated to exercise caution when making decisions based on discretion.<sup>5</sup>
- Repressive legal protection is protection in the form of sanctions imposed after a problem has arisen, such as imprisonment, fines, and other sanctions.<sup>6</sup> Repressive legal protection aims to resolve disputes.

Consumer protection is a branch of law that governs the relationship between consumers and businesses, with the primary goal of safeguarding consumers' interests against losses resulting from unfair or harmful business practices. Consumer protection serves as a means of protecting consumers from unfair or illegal merchants. Law Number 27 of 2022 on Personal Data Protection governs the rights and obligations of entities that process personal data, such as companies or institutions. They must ensure that stored data remains secure, be accountable for the use of such data, and not disclose it without the owner's consent. In the event of a data breach, the data controller is required to disclose such information; failure to do so may result in legal sanctions, including substantial fines or criminal penalties. Additionally, Law No. 27 of 2022 on Personal Data Protection establishes the rights of data subjects as consumers. Every individual has the right to know how their data is used, who is using it, to correct the data or refuse its use, and to request the deletion of the data if necessary. This concept grants data subjects full rights over the use of their personal information.

## METHOD

The method used in this study is a legal-normative approach. This approach aligns with the data collection methods employed, which rely on books, applicable legal regulations, documents, and other media that can serve as

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<sup>2</sup> Anggen Suari, K. R., & Sarjana, I. M. (2023). *Menjaga Privasi di Era Digital: Perlindungan Data Pribadi di Indonesia*. *Jurnal Analisis Hukum*, 6 (1), 132–142. <https://doi.org/10.38043/jah.v6i1.4484>

<sup>3</sup> Search [hrw.org](https://www.hrw.org). 6 Juni 2018. *Peraturan Perlindungan Data Umum Uni Eropa*. Diakses pada 4 Maret 2026, dari <https://www.hrw.org/id/news/2018/06/06/318734>

<sup>4</sup> Kif Aminanto, *Human Right: Civil and Political Right in Law Country*, Jember: Jember Katamedia, 2017, hlm.71

<sup>5</sup> Philippus M.Hudjon, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Surabaya: Bina Ilmu, 1987, hlm.2.

<sup>6</sup> Hetty Panggabean, *Perlindungan Hukum Praktik Klinik Kebidanan*, Yogyakarta: Deepublish, 2018, hlm.65.

sources of information or theoretical material central to the research problem. The type of research applied is descriptive-analytical, which describes the entire situation and facts and analyzes current practices. This study is a literature-based study that utilizes sources such as books, existing laws and regulations, documents, and various other media that can serve as data sources or theoretical foundations for the issues discussed in the research. Furthermore, as part of a normative legal approach, this study also includes an analysis of data breaches that occurred in the cases of Tokopedia (2020), Bukalapak (2021), and the hacking of BRI Life accounts (2022).

## **RESULTS AND DISCUSSION (TNR, 12 BOLD)**

### **A. Legal Review of Consumer Personal Data Protection in E-Commerce Transactions Under Law Number 27 of 2022**

Digital product transactions, or what we commonly refer to as e-commerce, have unique characteristics that distinguish them from transactions involving physical goods, thereby presenting new challenges in consumer protection. Consumers often lack adequate information regarding their rights and obligations, and face uncertainty regarding rules related to ownership, product returns, and service guarantees. An individual's personal data must be protected because it can be exploited by others to commit crimes. Therefore, data security and confidentiality regarding personal data are essential. Personal data is entitled to privacy rights, as it constitutes information inherent to each individual that serves as a means of identifying the data owner, provided it meets the following criteria:

- **Integrity**  
Data integrity is necessary to ensure the authenticity of data sent by a user and to verify that the user is indeed the one who sent it.
- **Authenticity**  
The most crucial aspect of data confidentiality and security is data authenticity. This component plays a vital role in data security and confidentiality because it can be used to verify the authenticity of documents used by individuals to conduct transactions.
- **Availability**  
If data is easily accessible, it can compromise data security because it may be accessed by any user, not just authorized individuals. This creates a high risk of data misuse; therefore, data must be available when needed upon request to ensure that user activities are not disrupted.

Privacy laws legitimize this right, protecting us from arbitrary and unlawful abuse of power by limiting the information about us that others can access and shielding us from those who seek to control it; they are essential for protecting society.<sup>7</sup> The right to privacy is an independent right that does not depend on other rights. However, this right is forfeited if a person discloses their personal information to the public.<sup>8</sup> In several data breach cases involving e-commerce platforms—such as those involving Tokopedia (2020), Bukalapak (2021), or the hacking of BRI Life accounts (2022)—there has been a clear violation of the Personal Data Protection Act (PDP) of 2022; furthermore, weak internal data audit systems and low compliance with privacy policies are the primary causes of the numerous data breach cases.

As stipulated in Law Number 27 of 2022 on Personal Data Protection, this law provides a clear legal basis regarding companies' responsibilities in safeguarding consumer data, as set forth in the following articles:

1. Article 1, Point 2 of Law Number 27 of 2022 on Personal Data Protection

Personal Data Protection refers to all efforts to protect Personal Data throughout the processing of Personal Data in order to guarantee the constitutional rights of the data subject.

2. Article 4 of Law Number 27 of 2022 on Personal Data Protection

(1) Personal Data consists of:

- a. Specific Personal Data; and
- b. General Personal Data.

(2) Specific Personal Data as referred to in paragraph (1)(a) includes:

- a. health data and information;
- b. biometric data;
- c. genetic data;

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<sup>7</sup> Djafr, W., & Santoso, M. J. (2019). *Perlindungan Data Pribadi Konsep, Instrumen, dan Prinsipnya*. Lembaga Studi Dan Advokasi Masyarakat (ELSAM), 2. <https://referensi.elsam.or.id/wp-content/uploads/2015/01/Perkembangan-Pemikiran-HAM.pdf>

<sup>8</sup> Ibid

- d. criminal records;
- e. data on children;
- f. personal identification data; and/or
- g. other data in accordance with the provisions of laws and regulations.

(3) General Personal Data as referred to in paragraph (1)(b) includes:

- a. full name;
- b. gender;
- c. nationality;
- d. religion;
- e. marital status and/or
- f. Personal Data that, when combined, identifies an individual.

3. Article 65 of Law No. 27 of 2022 on Personal Data Protection

(1) No person shall unlawfully obtain or collect Personal Data that does not belong to them with the intent to benefit themselves or another person, which may result in harm to the Data Subject.

(2) No person shall unlawfully disclose Personal Data that does not belong to them. No person shall unlawfully disclose Personal Data that does not belong to them.

4. Article 67 of Law No. 27 of 2022 on Personal Data Protection

(1) Any person who intentionally and unlawfully obtains or collects Personal Data that does not belong to them with the intent to benefit themselves or another person, which may result in harm to the Data Subject as referred to in Article 65(1) shall be punished with imprisonment for a maximum of 5 (five) years and/or a fine of up to Rp5,000,000,000.00 (five billion rupiah).

(2) Any person who intentionally and unlawfully discloses Personal Data that does not belong to them as referred to in Article 65(2) shall be punished by imprisonment for a maximum of 4 (four) years and/or a fine of up to Rp4,000,000,000.00 (four billion rupiah).

(3) Any person who intentionally and unlawfully uses Personal Data that does not belong to them, as referred to in Article 65(3), shall be punished by imprisonment for a maximum of 5 (five) years and/or a fine of up to Rp5,000,000,000.00 (five billion rupiah).

In addition, Law Number 27 of 2022 on Personal Data Protection also stipulates various rights for data subjects (consumers), as follows:

- 1. The right to obtain information regarding the use of data;
- 2. The right to access and correct data;
- 3. The right to erasure;
- 4. The right to withdraw consent;
- 5. The right to file a lawsuit and receive compensation.

These rights serve as crucial tools in protecting consumers from data misuse in digital transactions by e-commerce platforms.

## **B. The Obligations of E-commerce Companies to Protect Personal Data from Unlawful Processing and to Prevent Harm to Consumers.**

To ensure the security and protection of the personal data of e-commerce consumers, e-commerce service providers are responsible for managing electronic systems capable of protecting consumers' personal data from unauthorized access by irresponsible parties who may misuse such data, as well as from data alteration, disclosure, or damage. This is in accordance with Article 51(1) of Law No. 27 of 2022 on Personal Data Protection, which requires personal data controllers to maintain data security by implementing security measures in line with technological advancements. Additionally, e-commerce companies are required to provide users with information regarding the purpose of collecting personal data, the types of data collected, the parties who will receive such data, and how users can access and correct their data, as stipulated in Article 51(2) of Law No. 27 of 2022 on Personal Data Protection.

E-commerce businesses are required to process data lawfully, transparently, and responsibly. Furthermore, the imposition of administrative and criminal sanctions underscores that violations of personal data protection are serious offenses. The implementation of Law No. 27 of 2022 on Personal Data Protection (PDP Law) is expected to enhance the security of digital transactions and public trust in e-commerce, as well as regulate the obligations of entities managing personal data, such as companies or institutions. They must ensure that stored data remains secure,

be accountable for its use, and not disclose it without the owner's consent. In the event of a data breach, data controllers are required to report the incident; failure to do so may result in legal sanctions, including substantial fines or criminal penalties. The aspect of transparency in e-commerce platform accountability is realized through the obligation to provide comprehensive information to data subjects regarding the identity of the data controller, the purpose of processing, the legal basis for processing, the categories of data collected, the retention period, and the rights of data subjects. However, the implementation of this transparency faces a practical dilemma between fulfilling legal obligations and user experience. A privacy policy that is too detailed and technical risks reducing readability and user understanding, while simplifying the information risks failing to meet the transparency standards set forth in Law No. 27 of 2022 on Personal Data Protection.<sup>9</sup>

In addition, the accountability of e-commerce platforms also includes ensuring the rights of data subjects, which encompass the right of access, the right to rectification, the right to erasure, the right to restrict processing, the right to data portability, and the right to object. E-commerce platforms are required to provide easily accessible and responsive mechanisms to facilitate the exercise of these rights, including providing a technical interface that allows data subjects to independently control their personal data. Failure to facilitate data subjects' rights may result in administrative sanctions and potentially serve as the basis for a claim for damages.

## CONCLUSION

The digital era has driven rapid growth in e-commerce in Indonesia, but it has also brought significant challenges regarding the protection of consumers' personal data. Law Number 27 of 2022 on Personal Data Protection (PDP Law) provides a stronger legal framework; however, its implementation still faces significant obstacles, such as regulatory gaps, a lack of enforcement, and limited consumer awareness of their rights. Law Number 27 of 2022 on Personal Data Protection has established a comprehensive legal foundation for the protection of consumers' personal data, including in e-commerce transactions. Furthermore, consumers possess strong rights over their personal data, such as the right of access, the right to erasure, and the right to compensation. E-commerce businesses are obligated to process data lawfully, transparently, and responsibly. Furthermore, the imposition of administrative and criminal sanctions underscores that personal data breaches are serious offenses. The implementation of Law No. 27 of 2022 on Personal Data Protection (PDP Law) is expected to enhance the security of digital transactions and public trust in e-commerce. This highlights the need for synergy among the government, businesses, and the public in building a safe and trustworthy digital ecosystem. Recommendations for the future include strengthening regulations through harmonization with international standards such as the GDPR, improving public digital literacy, and encouraging e-commerce companies to adopt the latest technologies and security protocols. With these measures, it is hoped that Indonesia can address the challenges of personal data protection while fully leveraging the potential of the digital economy.

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