



Asian Law Students' Association
National Chapter Indonesia

LOCAL CHAPTER

LEGAL WRITINGS



contact@alsaindonesia.org

Miftah Mardhatillah Mukammil

ALSA Local Chapter Universitas Syiah Kuala

A COUNTRY IN CRISIS: PERSONAL DATA PROTECTION IN INDONESIA

From the beginning, Indonesia has already owned 32 regulations related to Personal Data Protection such as Electronic Information and Transactions Law (UU ITE) and Minister of Communication and Information Technology regulation No. 20 of 2016 about Personal Data Protection and so on. Unfortunately, these regulations are seen as less effective to guarantee the cyber-security in Indonesia, as it is not specifically regulate the protection of personal data itself. In order to response this problem, on January 2020, President Joko Widodo signed the Personal Data Protection (PDP) Bill which is currently being finalized by the Indonesian House of Representatives (DPR). The Personal Data Protection Bill contains of 15 Chapters and 72 Articles which regulated a wide range of matters, from types of personal data, stakeholders' rights and obligations, processing and transferring, data protection officer appointments, and even administrative and criminal sanctions.

However, though this PDP Bill was recently proposed to the Indonesian House of Representatives (DPR), the research done by the Institute for Community Studies and Advocacy (ELSAM) in four cities in Indonesia such DKI Jakarta, Padang, Surabaya, and Denpasar indicate that Personal Data Protection Law is very urgent, considering the fact that Data utilization increases as we are in a global pandemic which requires all sectors to proceed digitally. This transformation also increases the possibility of personal data to be leaked.

In the beginning of May 2020, about 91 million users' data of Tokopedia has been sold in the dark web. The users' data that has been leaked contains of name, gender, location, email address, phone number, and password. On the other hand, on August 2020, the data belonged to the company in Indonesia which works in financial technology, Kreditplus, has been exposed. Based on the report by Cyble, a cyber-security firm in the United States of America, it was reported that about 890.000 personal data of Kreditplus' users has been leaked. The risks that may happen because of this condition are social manipulation and cybercrime, including fraud and phishing.

The urgency of Indonesian data privacy regulation in a separate way is very important due to the fact that personal data is being used not inline with its initial purpose such as transaction of personal data commercially. Moreover, in Article 28G verse (1) of the 1945 Constitution in Indonesia, it has been stated that each person is entitled to protection of himself. Based on this regulation, the government of Indonesia completely guarantees the right of private life and personal data protection of its people. That is why the personal data protection law has to be legalized immediately in Indonesia.

SAFE US FROM SEXUAL SLAVERY

(Tiara Haji Faradiba - Local Chapter University of Syiah Kuala)

Copra Plantation is a big industry widespread in Indonesia and Malaysia. Copra Industry accommodate many laborer from rural society, because these plantation are located in remote areas or forest. There are also women laborers, the works as contract laborer. Unfortunately, condition of women laborers are very unpleasent, they work with no health and legal guarantee. Most of them wokrs as the nurturing and pesticide sprinklers of palm oil.

Jobs that women laborers obtained are arduous work, painstaking toil, and have a high risk. Reporting from VOA Indonesia, the women laborers have to drop the fertilizer bucket on their waist, and the weight up to 20 kilos. It causes stomach and entrails pains. Furthermore, exposure to toxic pesticide can causes nerve damage, skin irritation, even blind. Moreover, women laborers gets innapropriate treatment, like verbal either physical violance even sexual violance.

The laborers work in a grup, but because of the vast palm plantation there is a considerable distance between the workers. Additionally, there are many bushes and palm tree, this condition supporting sexual abuse occur. After being raped, female laborer were suffered to harsh treatment.¹ It is being a important thing to handle by government and take attention from human rights activists and women particular.



¹ CNCB Indonesia, "Heboh Pelecehan dan Pemerksaan di Kebun Sawit, Ada Sinar Mas?" <https://www.cnbcindonesia.com/market/20201126170234-17-204957/heboh-pelecehan-pemerksaan-di-kebun-sawit-ada-sinar-mas/2>, accessed 24th January 2021.

Source: theconversation.com

The cases of sexual slavery are common in the industry of palm oil plantation. Amount of sexual violence cases in Indonesia steadily increase. Based on annual data “*CATAHU*” that realese on march 2020 by National Commission of Violence Againts Women there are 431.471 cases of sexual violence.² In light of this, **RUU PKS** who still has some controvercy in its valiance has an urgency to to confirm immediately. Legalization of RUU PKS has urgency in an effort to support women empowerment in both society or jobs. “*Het Recht Hink Achter De Feiten Ann*” means the law pursued event. Because of that, RUU PKS drafted in accordance with the age in which there is broader understanding of sexual violence, not just a coercion or form of penetration of penise and vagina. Point are set in RUU PKS including the forms of sexual violence, rights of victims and duties of law enforcement.

Aside from legalization of RUU PKS, another effort that can be made to protect and support women from sexual violence within providing service of complaint for victims. Especially for women labour who suffer sexual violence is providing service complaint in their work place. Educate rural society especially womens about sexual violence because of their minimum education and knowladge. Furthermore, we can give them some training such as sewing, weaving, or selling. So that women can be more productive than independent than manual labor. It can also boost people’s economies, especially for rural communities.

² Komnas Perempuan, “Siara Pers dan Lembar Fakta Komnas Perempuan: Catatan Tahunan Kekerasan terhadap Perempuan 2020”, <https://komnasperempuan.go.id/pengumuman-detail/siaran-pers-dan-lembar-fakta-komnas-perempuan-cata>, accessed 21th January 2021.