

Ethics and Legality in the Dissemination of Information on Traffic Accident Victims Through Digital Media

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ABSTRACT

The development of information and communication technology has had a significant impact on various aspects of human life, including the protection of personal data privacy. This research analyzes the criminal law provisions in Law Number 17 of 2023 concerning Health and Law Number 27 of 2022 concerning Personal Data Protection related to the protection of personal data of traffic accident victims. The research method used is normative legal research with a legislative and conceptual approach. The results show that although there is a law that supports privacy protection, there are still a law gap in the regulation of more specific criminal sanctions related to patient privacy violations. Cases of unauthorized dissemination of personal information of accident victims reflect the challenges in implementing personal data protection. More comprehensive implementing regulations and community education are needed to prevent privacy violations and raise awareness of the importance of personal data protection. This research is expected to contribute to strengthening criminal law policy in the ever-evolving digital age.

INTRODUCTION

The use of information and communication technology has become a major pillar in supporting globalization, greatly influencing various aspects of human life. The development of this technology has been a major factor in driving global economic growth and has significantly changed human lifestyles. The use of information technology, especially the internet, has created unlimited connections, allowing individuals to connect directly with events happening anywhere in the world (Firmansyah et al., 2021). This has greatly contributed to the improvement of human welfare, progress, and civilization.

The transformation of lifestyles due to internet use is also evident in people's habits. The internet has become the primary tool for completing daily tasks. The involvement of the internet in every activity makes life easier and shapes a more practical and efficient mindset and way of life. The internet is now used as a means of communication or information media, and has become an integral part of daily routines. Its presence encompasses every aspect of modern human life, from work,

education, entertainment, to financial transactions. The internet has also redefined how humans socialize. Through social media, the internet connects individuals with global communities, enabling the instant sharing of information, experiences, and views. Despite its many benefits, however, the widespread penetration of the internet also poses new challenges. Dependence on the internet in daily routines can affect social aspects, such as reduced face-to-face interaction, as well as potential threats to data privacy and cybersecurity (Joshi et al., 2022). It is therefore important for users to use the internet wisely and prioritize security in all their online activities.

The internet has become an additional tool in modern life, but it has also become a fundamental element in shaping people's routines and lifestyles. Its existence continues to drive human progress while also demanding adaptation to the challenges that accompany it (Zhou, 2018). As digital connectivity increasingly permeates every dimension of human activity, from education and commerce to health and governance, the internet's structural integration into daily life alters how

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individuals interact with institutions, access information, and form social relationships. This transformation not only accelerates innovation but also redefines the standards by which efficiency, productivity, and social participation are measured.

The advancement of human civilization supported by the internet also poses new challenges, particularly in relation to legal regulation and protection. Information and communication technology, in addition to improving welfare and progress, can give rise to legal issues, such as privacy violations. As a country based on the rule of law as mandated by Article 1 paragraph (3) of the 1945 Constitution, Indonesia is obliged to provide legal protection for every citizen. This protection includes the right to privacy, as affirmed in Article 28G paragraph (1) of the 1945 Constitution, which states that every person has the right to protection of their personal life, family, honor, dignity, and property, as well as a sense of security from threats of fear.

The protection of personal data, which is an integral part of human rights, is gaining increasing attention in line with the rapid advancement of information and communication technology. The increase in cases of privacy violations, especially in the health sector, has become an urgent issue that needs to be addressed. The right to personal data protection is a reflection of the right to privacy that has been universally recognized, including in Indonesia through Article 28G paragraph (1) and Article 28H paragraph (1) of the Constitution of the Republic of Indonesia of 1945 (UUD 1945), which guarantees the right of every citizen to live prosperously, to have a good and healthy environment, and to have access to health services.

The implementation of this right faces serious challenges in the health sector, particularly in the treatment of traffic accident victims. Based on Article 1 point 24 of Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law), a traffic accident is defined as an unexpected event involving a motor vehicle with an impact on humans and property. Traffic accidents have an impact on the physical safety of victims and often lead to violations of personal rights, particularly through the irresponsible dissemination of information about victims.

In practice, in the digital age, traffic accidents often become the focus of public attention through social media and other digital platforms. Documentation in the form of photos and videos of accidents, which are often unsensored and distributed without consent, is a clear violation of

privacy rights. Such incidents create significant controversy, damaging the dignity and privacy of victims and their families. The dissemination of photos and videos involving traffic accident victims violates the basic principles of personal data protection and has a serious psychological impact on victims and their families.

The increase in the number of traffic accidents in Indonesia has worsened this situation. Data from various institutions, such as the Indonesian National Police (Polri), shows an upward trend in traffic accident cases every year. Along with this, cases of dissemination of information related to accidents that do not comply with privacy protection ethics are also on the rise. In fact, by law, violations of privacy rights are contrary to the principles of human rights protection guaranteed by the 1945 Constitution.

The obligation to maintain patient confidentiality is part of medical ethics, as emphasized in the Hippocratic Oath and the Declaration of Geneva. This obligation is both professional and moral. In criminal law, the protection of personal data of accident victims urgently needs to be regulated more strictly. Criminal law policy aims to protect individual rights through rules that prohibit unlawful acts and impose sanctions on perpetrators.

The urgency of strengthening regulations and implementing personal data protection has become particularly relevant, especially in relation to the handling of information about traffic accident victims. Research on this issue is needed to assess the extent to which existing legal protections can provide justice and protection for victims, as well as how policies can be optimized to guarantee citizens' privacy rights in an ever-evolving digital age. This research focuses on criminal law protection of accident victims' personal data, with analysis of the Personal Data Protection Law and the Health Law.

This research aims to analyze criminal law regulations related to the protection of personal data of victims of traffic accidents. The focus of the research is directed at reviewing the provisions stipulated in Law Number 17 of 2023 concerning Health and Law Number 27 of 2022 concerning Personal Data Protection. This research also aims to identify the extent to which these two laws provide effective legal protection for personal data related to traffic accidents, as well as to examine the implementation of these regulations in practice, including the relevance and impartiality of criminal law in protecting privacy rights.

RESEARCH METHOD

This research falls under the category of normative law research, as the issues examined focus on conceptual and regulatory legal issues. The methodological approach used is literature research, in which document studies are the primary tool for data collection. This process involves searching for, reviewing, and examining secondary data relevant to the research issue. The data was obtained from credible sources, including legislative documents, legal literature, and other scientific writings (Ali, 2021).

In this research, two main approaches were used, namely the statute approach and the conceptual approach. The statute approach was conducted by thoroughly examining Law No. 17 of 2023 concerning Health and Law No. 27 of 2022 concerning Personal Data Protection, as the main legal basis relevant to the protection of personal data of traffic accident victims. The conceptual approach, meanwhile, is used to examine the concepts of criminal law, personal data protection, the right to privacy, and the rights of victims in the law system.

Research sources include primary law materials, secondary laws, and non-legal materials. Primary law materials consist of legislation and other official documents, while secondary laws include legal literature, scientific journals, and previous research findings. Non-legal materials, such as statistical data or case reports, are also used to complement legal analysis (Effendi & Ibrahim, 2018).

Data analysis was conducted using the deductive method, in which the data obtained was systematically organized to answer the research questions. The results of this analysis were then compiled in the form of logical and prescriptive scientific arguments. With this approach, the study is expected to produce recommendations that are theoretically and practically relevant in supporting the strengthening of legal protection for the personal data of traffic accident victims.

RESULT AND DISCUSSION

Law Review Based on Law No. 17 of 2023 concerning Health

In human rights, health is one of the most fundamental rights inherent to human existence. Article 1 paragraph 1 of Law Number 39 of 1999 concerning Human Rights explicitly states that Human Rights are a set of rights inherent to human existence as creatures of God Almighty and are a gift that must be respected, upheld, and protected

by the state, the law, the government, and every person for the sake of honor and protection of human dignity.

The use of the term “everyone” in Article 1, paragraph 1 of Law No. 39 of 1999 on Human Rights has very important implications. This term means that there is no discrimination in terms of health, so that every individual has the same right to access quality health services. This also reinforces the basic rights of individuals, which are part of human rights, whereby health is one of the basic human needs alongside clothing, food, and shelter.

Health is not only a human right, but also a basic necessity that is very important for human life. As stated by Supriadi (2001), without a healthy life, human life becomes meaningless, because when sick, humans cannot perform daily activities properly or as they normally would. Health must therefore be guaranteed and protected by the state, the law, the government, and everyone, for the sake of honor and the protection of human dignity.

Health development is one of the efforts to realize human rights, especially the right to health. Health development must be realized as a form of providing health services to all levels of the community through the implementation of quality and affordable health development. The main objective of health development is to increase awareness, willingness, and ability to live healthily for everyone in order to achieve a level of health in accordance with the ideals of the Indonesian nation as stated in Pancasila and the Preamble to the 1945 Constitution.

In order to realize the right to health, Article 28 H paragraph (1) of the 1945 Constitution stipulates that every person has the right to physical and spiritual prosperity, to a place to live, and to a good and healthy environment, as well as the right to health services. Article 9 paragraph (3) of Law No. 39 of 1999 on Human Rights also emphasizes that everyone has the right to a good and healthy environment. Article 5 paragraph (1) of Law No. 39 of 1999 on Human Rights further stipulates that every person is recognized as an individual who has the right to demand and obtain equal treatment and protection in accordance with their human dignity before the law.

In order to realize the right to health, the state has a responsibility to implement this right. Article 34 paragraph (3) of the 1945 Constitution stipulates that the state is responsible for providing adequate health care facilities and public services. The state must therefore ensure that everyone has access to quality and affordable health care, and that everyone can enjoy a good and healthy living environment.

Health plays a fundamental role in national development. Health development, as an integral component of national development efforts, aims to increase individuals' awareness, willingness, and ability to live healthy lives. This goal leads to the achievement of optimal community health. Health development efforts require synergistic collaboration between the community, the private sector, and the government as the main promoters.

Community health development requires a series of elements, including health efforts, health resources, and effective health management. All of these elements aim to maximize the level of community health, based on the principles of welfare, equity, non-discrimination, participation, and sustainability. These principles support the development of high-quality and productive human resources, and contribute to reducing disparities, strengthening quality health services, improving health resilience, and ensuring healthy lives. All these efforts aim to advance the welfare of all citizens and enhance national competitiveness, in line with the national development objectives set forth in the considerations of letter b of Law No. 17 of 2023 on Health.

Article 1 point 7 of Law No. 17 of 2023 concerning Health defines health workers as individuals who devote themselves to the field of health, equipped with a professional attitude, knowledge, and skills obtained through higher education. For certain types of health workers, special authority is required to carry out health efforts effectively.

The state policy reflected in Law No. 17 of 2023 on Health provides a solid foundation for health workers, the community, and patients. This law is highly significant because it offers protection, law certainty, and justice in the health sector. Law protection and law certainty for health workers serve as a reference in the implementation of health services in Indonesia. This law also mandates the government to provide guarantees and law protection to health workers, thereby creating a safer and more secure working environment.

Health law acts as a "lex specialis" that encourages the implementation of human health service programs in accordance with the principle of "health for all" and provides special protection to patients as service recipients. As a "lex specialis," health law regulates the rights and obligations of every service provider and service recipient, both individuals (patients) and community groups, as stated by Triwibowo (2014). Law No. 17 of 2023 on Health thus functions as a regulation and as an instrument that supports the creation of a fair and sustainable health system.

Healthcare consists of two essential basic rights concepts, namely social rights and individual rights (Sylvana, 2020). Social rights include the right to healthcare, which encompasses the right to medical services and the right to access various healthcare services. Conversely, individual rights focus on the principle of self-determination, which consists of two main components.

The first component is the right to privacy, which is regulated in provisions regarding medical confidentiality. Concrete examples of this right include the right to maintain the confidentiality of information about a patient's illness and medical records (Kholis et al., 2023). The second component is the right to self-determination, which can be described through several provisions, including: the right to consent to medical treatment (informed consent), the right to refuse medical treatment (refused consent), the right to obtain a second opinion, and the right to choose a doctor or hospital. All of these rights reflect the principle of self-determination, which is an important foundation for equitable health services that respect individual dignity.

According to Widayati (2022), legal protection of privacy is an important aspect of the right of self-determination. However, the legal protection of patient privacy is still not comprehensive in Law No. 17 of 2023 on Health. Several articles in the Law, however, regulate the protection of personal data, which is an important aspect of patient privacy.

Article 4 paragraph (1) letter i of Law No. 17 of 2023 concerning Health explicitly regulates the right of patients to obtain confidentiality of their personal health data and information. This regulation shows that the Law recognizes the importance of protecting patient privacy in health services. In addition, Article 177 paragraph (3) of the Law also emphasizes that further regulations regarding patient confidentiality will be regulated by government regulations. It can be concluded that Law No. 17 of 2023 concerning Health has provided a strong legal basis for the protection of patient privacy, although further regulations are still needed to achieve a comprehensive level.

The regulation regarding the obligation of health workers to report criminal acts committed against patients receiving health services is explicitly stipulated in Article 302 paragraph (1) of Law No. 17 of 2023 concerning Health Law. This provision confirms that medical and health workers have the right to report such crimes to law enforcement officials. Article 302 paragraph (2) of the Law further confirms that reporting such crimes is exempt from health confidentiality.

From an analysis of these articles, it can be concluded that the regulation of criminal sanctions related to personal data is regulated separately by government regulations. Unfortunately, however, to date there are no government regulations derived from Law No. 17 of 2023 concerning Health Law that regulate criminal acts related to patient health confidentiality. This law gap can be concluded as a result of the absence of government regulations governing this matter. It is necessary to review the existing law to ensure that this law gap can be addressed and a more comprehensive law can be established.

Patient health secrets, which include patient personal data, are vulnerable to misuse. The Government therefore needs to issue accommodative regulations that can immediately guarantee the security of patient personal data. Patient personal data is data that has a formal relationship between the patient and the healthcare service provider, which is not limited to patient data submitted to the healthcare service provider during the registration process.

The issue of protecting patient personal data arises due to concerns about the violation of patient privacy rights. For example, traffic accident cases that are disseminated through photos and videos can hurt the victims and their families because they feel that their privacy has been violated. Privacy violations can cause material and moral damage to both victims and their families. Moral damage can include prolonged trauma experienced by victims and their families when they see the photos/videos being circulated, loss of privacy for victims and their families, victims and their families feeling disturbed, the photos/videos being prone to misuse, and causing trauma to those who see them.

In this case, protecting patients' personal data is very important to prevent misuse and privacy violations (Firdaus, 2023). It is necessary to review existing law to ensure that patients' personal data can be protected effectively and efficiently.

Although information and communication technology has had a positive impact on the world of health, there are still negative impacts. One example of such negative impacts is the dissemination of photos and videos of accident victims, which violates their right to privacy. This shows that Law No. 17 of 2003 on Health does not provide sufficient protection for the privacy and personal data of victims.

The legal vacuum regarding government regulations governing criminal sanctions for the right to patient privacy protection is an issue that

needs to be addressed immediately. The government must therefore immediately seek to establish government regulations governing criminal sanctions for the protection of patient privacy. This is important in order to create justice, benefits, and law certainty for victims and the wider community. The protection of victims' privacy and personal data can thus be carried out effectively and efficiently, and can prevent the spread of unwanted information.

Law Review Based on Law No. 27 of 2022 concerning Personal Data Protection

Improving the quality of knowledge among Indonesians in utilizing information technology is one of the national development goals that must be achieved in order to face global challenges. Improving knowledge, however, often lags behind technological advances, giving rise to new problems.

One problem that often arises today is the violation of privacy, including the privacy of personal data. Personal data is something that is inherent to human beings and is sensitive in nature, so it deserves to be protected. Everyone has the right to protection of their personal data, because personal data is data relating to a person's characteristics, such as name, age, gender, education, occupation, address, and position in the family.

The definition of personal data based on Article 1 paragraph 1 of the Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia No. 20 of 2016 concerning Personal Data Protection is data about a person that is stored, maintained, and kept accurate and confidential. Data is considered personal data when it relates to a person's identity or characteristics that can be identified from that data. The protection of personal data is therefore very important, as personal data is highly sensitive and has the potential to be misused.

According to Tejomurti et al. (2018), there are three fundamental principles of privacy. The first principle is the "right to be alone," which is the basic principle of personal privacy. This principle emphasizes the importance of protecting individuals from unwanted interference or intervention. Four types of violations arising from this principle are: (1) exposing someone who is not in their rightful place, (2) exposing someone's personal data for commercial purposes, (3) publishing someone's personal data to the community, and (4) not giving someone space to be alone.

The second principle is privacy over personal data written by others, such as medical records, habits, tax information, insurance information, criminal records, and so on (Mubarak et al., 2023). This information can be misused by those who collect or process the data as a violation of the owner's privacy rights (Mondal et al., 2022). It is important to ensure that this personal data is well protected and not misused.

The third principle is privacy over a person's online communications. This principle emphasizes the importance of protecting online communications from unwanted interference or intervention (Makri & Lambrinouidakis, 2015). In the digital age, online communication has become increasingly important, and therefore, protecting the privacy of online communications has become increasingly crucial.

Misuse of personal data can occur intentionally or unintentionally, and a lack of scientific knowledge can be one of the factors that cause someone to unintentionally disseminate someone else's personal data without permission. For example, someone who records and/or takes pictures of accident victims without permission and disseminates them online has violated the victim's and victim's family's "right to be alone." This action can cause the victim and victim's family to feel embarrassed, uncomfortable, sad, or traumatized when they see the photos and/or videos (Rengel, 2014).

If the victim's condition is not good or it's not okay to share it without censorship, then this can be seen as a violation of the victim's right to privacy over their personal data. These photos and/or videos often include the victim's identity, like their full name, religion, place and date of birth, age, activities, and job, which definitely violates the victim's right to privacy over their personal data. This information is prone to misuse, so privacy protection of personal data is needed to prevent misuse of the victim's personal data (Kumar et al., 2023).

Privacy protection of the victim's personal data is very important to prevent misuse of personal data and protect the rights of victims. Efforts need to be made to raise community awareness about the importance of privacy protection of personal data and prevent misuse of personal data.

Misuse of personal data is a violation of privacy rights and a crime against human rights that goes against the Indonesian constitution. Personal data protection is super important to stop misuse of personal data and protect individual rights. Data leaks can happen easily and quickly with technology, so we need to raise awareness about how important personal data protection is.

Personal data protection is a very important issue in today's digital age. According to Herryani (2022), the leakage of an individual's personal data can cause significant losses. Strict regulations are therefore necessary to ensure that service providers are responsible for the security of the data they manage. This is also supported by Nola (2022), who explains that political shifts in the resolution of disputes related to personal data indicate the need to strengthen regulations in the Personal Data Protection Bill. Widayati (2022) also emphasizes the importance of criminal law policies against the misuse of personal data to prevent violations of privacy rights.

Misuse of personal data can have serious consequences for individuals and the community. Criminal acts involving the misuse of personal data in Indonesian cyber law need to be addressed with effective regulations. This is also supported by Wuwungan et al. (2023), who emphasize the importance of legal protection for owners of personal data of information technology users. Strict and effective regulations are needed to ensure that individuals' personal data is protected and misuse of data can be prevented.

Personal data leaks can occur due to negligence on the part of electronic system operators, personal data owners' ignorance of the importance of their data, and cybersecurity capabilities that still need improvement. Cases of personal data leaks are very common in Indonesia, which is marked by data from Databoks showing that Indonesia ranks third among countries with the most cases of personal data leaks in the world. Efforts are therefore needed to raise community awareness about the importance of personal data protection and prevent the misuse of personal data.

A number of countries have declared that the protection of personal data privacy is a constitutional right, known as "data habeas". Data habeas is a law in certain countries that aims to protect data, credit/debit card accounts or other payment methods with user details, physiological and mental health conditions, medical records, and biometric information from violations or criminal acts that may result from the misuse of personal data owned by an individual (Nashed & Fedorov, 2021). The protection of personal data is therefore crucial to prevent the misuse of personal data and protect individual rights.

The protection of privacy rights as part of international human rights is regulated in Article 12 of the Universal Declaration of Human Rights, which states that "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 legal protection against such interference or attacks." This article emphasizes the importance of protecting the privacy and honor of individuals from unlawful interference or attacks (Tiedemann, 2020).

Article 17 of the International Covenant on Civil and Political Rights also regulates the protection of privacy rights, which contains two important points. First, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation." Second, "Everyone has the right to the protection of the law against such interference or attacks." This article affirms that every individual has the right to be protected from unlawful interference or attacks on their privacy and honor (Pintiliuc, 2018).

In Indonesia, Article 28G of the 1945 Constitution stipulates that every person has the right to protection of their personal life, family, honor, dignity, and property, as well as the right to feel secure from any form of threat to their property. Based on this article, every person has the right to protection of their personal data obtained or used by others. The misuse of personal data privacy is a serious violation of constitutional rights.

In today's age of digital information and communication technology, the dissemination of information is rapid, global, and cross-border. This poses a new challenge that increases the risk of privacy violations. Efforts are therefore needed to raise community awareness of the importance of privacy rights protection and prevent the misuse of personal data.

The protection of personal data is specifically regulated in Law Number 27 of 2022 concerning Personal Data Protection, which is a more specific and special regulation compared to other regulations governing personal data. Based on the principle of *lex specialis derogate legi generali*, Law Number 27 of 2022 concerning Personal Data Protection will override other regulations governing personal data, thus becoming the most applicable regulation in terms of personal data protection.

Article 65 paragraph (1) of Law No. 27 of 2022 concerning Personal Data Protection stipulates that every person is prohibited from unlawfully obtaining or collecting personal data that does not belong to them with the intention of benefiting themselves or others, which could result in harm to

the Subject of Personal Data. This shows that Law No. 27 of 2022 concerning Personal Data Protection provides stronger protection for individuals' personal data.

Article 65(2) of Law No. 27 of 2022 on Personal Data Protection also stipulates that everyone is prohibited from unlawfully disclosing Personal Data that does not belong to them. This shows that Law No. 27 of 2022 concerning Personal Data Protection provides broader protection for individuals' personal data against the collection and use of personal data, and against the unlawful disclosure of personal data.

A person who unlawfully discloses personal data that does not belong to them can be punished, because such an act violates the prohibitions stipulated by criminal law. According to Moeljanto, criminal law is part of the overall law that applies in a country, which has three main functions, namely determining which acts are prohibited, determining when and what penalties can be imposed on those who have violated these prohibitions, and determining how these penalties can be enforced (Chandra & Fitriani, 2023).

The objectives of criminal law can be divided into four categories, namely reform, restraint, retribution, and deterrence (Klevinghaus, 2023). Reform means rehabilitating criminals so that they become good and useful members of the community. Reform has been criticized for its failure to prevent recidivism among those who have served prison sentences. Restraint means isolating offenders from community, while retribution means punishing offenders for their crimes. Retribution has been widely criticized as a barbaric system that is incompatible with civilized community.

Deterrence means to discourage or prevent so that both the defendant as an individual and other potential criminals will be discouraged or afraid to commit crimes, seeing the punishment imposed on the defendant (Haltsova et al., 2021). Criminal law plays a vital role in maintaining public safety and order, as well as providing fair punishment to those who violate established prohibitions.

The current objectives of criminal law are variations of deterrence, aimed at both lawbreakers themselves and those who have the potential to become criminals. In addition, the objectives of criminal law also include protecting society from criminal acts and reforming criminals (Kahraman, 2021). Reform is the most modern and popular form of punishment today, which aims to improve prison conditions and find alternatives to criminal punishment in rehabilitating lawbreakers.

Reform can be achieved through preventive and repressive measures. Preventive measures are actions taken to prevent negative things from happening. From a social control perspective, preventive measures are actions taken to prevent social violations. Preventive measures require the cooperation of all parties, including victims, the surrounding community, and the government. Victims can take preventive measures by being careful when providing personal data, while the surrounding community can prohibit people from taking pictures or recording photos and/or videos of accident victims, and ask people who record and take pictures of victims to delete videos and/or photos of accident victims before they are uploaded.

The government has also taken preventive measures by raising awareness about personal data protection and personal data laws, as well as enacting Law No. 27 of 2022 on Personal Data Protection. These preventive measures will only run smoothly if there is awareness from all parties involved, including victims, the community, and the government. Effective cooperation between all parties is therefore necessary to prevent social violations and protect individual rights.

Repressive law enforcement measures are a form of protection in the form of fines, sanctions, and imprisonment, which are a tangible manifestation of the existence of rules and regulations. Anyone who has violated the law will be punished for their actions, so these repressive law enforcement measures can be considered an effective form of deterrence.

In terms of personal data protection, repressive law enforcement measures are regulated in Article 67 paragraph 1 and Article 67 paragraph 2 of Law No. 27 of 2022 concerning Personal Data Protection. Article 67 paragraph (1) of Law No. 27 of 2022 concerning Personal Data Protection states that any person who intentionally and unlawfully obtains or collects personal data that does not belong to them with the intention of benefiting themselves or others, which may result in harm to the Subject of Personal Data as referred to in Article 65 paragraph (1), shall be punished with a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp5,000,000,000.00 (five billion rupiah).

Article 67(2) of Law No. 27 of 2022 on Personal Data Protection states that 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 with imprisonment for a maximum of 4 (four) years and/or a fine of up to Rp4,000,000,000.00 (four billion rupiah). Law No.

27 of 2022 concerning Personal Data Protection provides comprehensive protection for the privacy of accident victims and fills the legal void regarding criminal sanctions not regulated by Law No. 17 of 2023 concerning Health.

Personal data protection in the digital age is becoming increasingly important, especially in relation to criminal law enforcement. Yulistyaputri and Saptomo (2022) emphasize that effective law enforcement must include personal data protection to prevent information misuse. Zulfa and Adji (2021) also underscore the importance of criminal law policies in regulating personal data theft as a form of communication and information technology abuse. In this regard, Dewi (2022) also notes the challenges faced in protecting personal data privacy amid rapid technological developments.

Lawful protection of personal data is also relevant to accident victims. The right to personal data protection for accident victims demonstrates that criminal law must protect individual rights in vulnerable situations. Budhijanto (2023) adds that personal data protection laws in Indonesia need to be strengthened to address existing challenges, while Makarim (2022) and Mansur and Gultom (2021) emphasize the importance of understanding telecommunications law in relation to personal data protection. A comprehensive and multidisciplinary approach is therefore needed to ensure effective protection of personal data in various aspects of life.

CONCLUSION

Personal data protection has become a pressing issue in this digital age, especially in the context of health and traffic accidents. An analysis of Law No. 17 of 2023 on Health and Law No. 27 of 2022 on Personal Data Protection shows that despite a strong law foundation, the implementation of regulations still faces law gaps, especially in terms of criminal sanctions and the comprehensive implementation of patient privacy protection. These gaps pose significant risks of privacy violations, including the unethical dissemination of personal data, which can have a negative impact on victims and their families.

The unauthorized dissemination of personal data of accident victims violates privacy rights and causes moral and material damage. It is therefore important to strengthen regulations and law enforcement related to personal data protection to ensure justice, security, and law certainty for all parties. It is recommended that the government immediately draft more comprehensive implementing regulations to fill the law gap, especially regarding the protection of patient and

accident victim privacy. This effort must be supported by educating the community about the importance of personal data protection and imposing strict sanctions for privacy violations. Collaboration between the government, the community, and healthcare providers is also necessary to create a more effective system for preventing privacy violations. This step will improve personal data protection and strengthen community trust in the law and healthcare system in Indonesia.

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