

DIGITAL HUMAN RIGHTS PROTECTION: LEGAL TRANSPLANTATION STRATEGIES TO REALIZE SUSTAINABLE DEVELOPMENT IN INDONESIA'S DIGITALIZATION ERA

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Article	Abstract
Article History: Submitted: September 2024 Reviewed: October 2024 Accepted: October 2024 Published: October 2024 Keywords: Human Rights; Legal Transplantation; Sustainable Development.	<i>The advancement of information and communication technology brings great benefits to society, such as ease of communication and access to public services. However, technology also threatens human rights, including privacy and freedom of expression. This study aims to analyze the legal strategies of other countries to protect digital human rights that can be applied in Indonesia, as well as formulate policies to improve this protection through legal transplantation and support sustainable development goals. The method is normative legal research, with data from related laws and policies. The results of this study indicate that the adoption of rules is a potential strategy to improve the security of digital human rights in Indonesia and provide greater control over the personal data of individuals. The implementation of the General Data Protection Regulation (GDPR) in Indonesia is considered important to align personal data protection with international standards, improve the country's reputation, and facilitate international cooperation. With clear regulations, public trust in digital services will increase, because people feel safer and more protected from misuse of personal data. This stricter legal framework helps create a safer and more inclusive digital environment so that all levels of society can actively participate in the digital economy.</i>

A. Introduction

In this modern era, the growth and development of a society is very rapid. One of the characteristics of this era is the rapid development of science and technology¹. The dynamics of technological development and progress have brought real changes in various aspects of human life. Information technology, electronic media, and the internet have become keywords in the daily lives of global society, including Indonesian society². Specifically for Internet use, it is not only used as a medium of entertainment, the Internet is also used for other activities such as school, work, health services, and even politics. Currently, the number of internet users in Indonesia is very high. This can be seen through data on the Indonesian Internet Service

¹ Candra Perbawati, "Penegakan Hak Asasi Manusia Di Era Globalisasi Dalam Perspektif Hukum Islam", Al-'Adalah 12, no. 1 (2015): 843-54, <https://dx.doi.org/10.24042/adalah.v12i2.216>.

² Supriandi, Khairunnisa, and Wahyu Utama Putra, "Hak Asasi Manusia di Ranah Digital: Analisis Hukum Siber dan Kebebasan Online", Jurnal Hukum dan HAM Wara Sains 2, no. 08 (August 31, 2023): 690-703, <https://doi.org/10.58812/jhhws.v2i08.604>.

Providers Association (APJII) page. In 2024, the number of internet users in Indonesia will reach 221,563,479 people, or an increase of 1.4% from 2023³.

The current digital revolution has brought significant changes to society, both positive and negative⁴. Advances in information and communication technology have brought many benefits to people's lives, such as ease of communication, ease of obtaining information, and ease of accessing various public services. However, technology can also pose a threat to human rights, such as the right to privacy, freedom of expression, freedom of opinion, and the right to information. Human rights are basic rights or citizenship that are inherent in individuals since birth by nature and are given directly by God Almighty. They cannot be revoked and taken away and must be respected, upheld, and protected by the state, law, government, and everyone for the honor and protection of human dignity. However, in today's digital era, human rights are increasingly being fulfilled or violated in the online environment⁵.

Freedom of expression in the digital environment is closely related to human rights (*Hak Asasi Manusia*-HAM) and digital human rights. The right to freedom of expression is one of the universally recognized human rights, but in the digital world, challenges arise because information can spread quickly, while government surveillance and platform control often threaten this right. Traditional legal frameworks are frequently inadequate to address specific issues in cyberspace, therefore, the European Court of Human Rights (ECtHR) has sought to adapt human rights principles to the digital context, given the unique characteristics of the internet that affect social interactions. Digital human rights include the right to access information, participate in public discussions, and protect privacy online, which are increasingly important amidst increasing surveillance and algorithms that influence the content users see. In addition, the digital revolution has an impact on the labor market, where automation and digitalization can lead to job losses, affecting the right to work and the well-being of individuals.

Digital human rights are a form of universal human rights that are concrete and guaranteed by international law and the constitutions of countries in the world⁶. Digital human

³ APJII, "Jumlah Pengguna Internet Indonesia Tembus 221 Juta Orang", February 7, 2024, [https://apjii.or.id/berita/d/apjii-jumlah-pengguna-internet-indonesia-tembus-221-juta-orang#:~:text=Terhitung%20sejak%202018%2C%20penetrasi%20internet%20Indonesia%20mencapai%2064%2C8%25](https://apjii.or.id/berita/d/apjii-jumlah-pengguna-internet-indonesia-tembus-221-juta-orang#:~:text=Terhitung%20sejak%202018%2C%20penetrasi%20internet%20Indonesia%20mencapai%2064%2C8%25,accessed 27 September 2024), accessed 27 September 2024.

⁴ Supriandi, Khairunnisa, and Wahyu Utama Putra, *Loc.Cit*.

⁵ Kay Mathiesen, "Human Rights for the Digital Age", *Journal of Mass Media Ethics* 29, no. 1 (January 2, 2014): 2-18, <https://doi.org/10.1080/08900523.2014.863124>.

⁶ Shokhrukhbek Tillaboev, "Digital Human Rights. What Are the Main Human Rights In The Digital Environment?", *International Journal of Law And Criminology* 03, no. 08 (2023): 45-49, <https://doi.org/10.37547/ijlc/Volume03Issue08-09>.

rights are understood as a collection of people's rights to access, use, create, and disseminate digital works, and to access and use computers and other electronic devices, including communication networks, especially the internet⁷. Based on this understanding, people have the right to access and use digital works, one of which is by using the internet⁸. This is also stated in the Indonesian Constitution, the 1945 Constitution of the Republic of Indonesia (UUD 1945). Article 28F of the 1945 Constitution states that the state guarantees the right of every person to communicate and obtain information to develop their personality and social environment, and has the right to seek, obtain, possess, store, process, and convey information using all available channels. This formulation is the basis for granting digital rights to the community. These provisions are then further regulated in the section on the Right to Develop Oneself in Law Number 29 of 1999 concerning Human Rights (HAM Law). The Human Rights Act legitimizes that the Internet can be used to develop each person's personality. However, unfortunately in its implementation, there is still inequality in internet access in Indonesia, which is mainly caused by uneven infrastructure⁹.

The internet is also used massively to access digital platforms to disseminate information¹⁰. The digital era has indeed accelerated and facilitated the dissemination of information to the wider community, but this is also not free from inherent problems, such as the delivery of opinions or information that is hate speech and fake news (hoaxes). Freedom of expression and conveying opinions is guaranteed in the Constitution, namely Article 28E paragraph (3) which states that "Everyone has the right to freedom of association, assembly, and expression of opinion." The formulation of this provision is fundamental but does not mean that this freedom is absolute, some limitations need to be regulated in the law. These limitations are mainly carried out because they relate to the rights of others (the right to honor and good name), as regulated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which have been ratified by Indonesia through Law Number 12 of 2005, which also cannot be violated under the pretext of freedom of expression and conveying opinions.

⁷ Humas, "Perlindungan Hak Asasi Digital", August 13, 2022, <https://setkab.go.id/perlindungan-hak-asasi-digital/>, accessed 29 September 2024.

⁸ Claudia Padovani, Francesca Musiani, and Elena Pavan, "Investigating Evolving Discourses on Human Rights in the Digital Age", *International Communication Gazette* 72, no. 4-5 (June 2010): 359-78, <https://doi.org/10.1177/1748048510362618>.

⁹ Ahmad Fauzi and Asril Sitompul, *Transplantasi Hukum Dan Permasalahan Dalam Penerapan di Indonesia* (Medan: CV. Pustaka Prima, 2020), 14.

¹⁰ Giovanni Ziccardi, *Resistance, Liberation Technology and Human Rights in the Digital Age* (Dordrecht: Springer Netherlands, 2013), 56.

Furthermore, Article 28G paragraph (1) of the 1945 Constitution guarantees that everyone has the right to protection of themselves, their families, their honor, their dignity, and their property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a human right. Personal protection in the current digital era is closely related to the protection of personal data. Regulations related to the protection of personal data have not been specifically regulated in the law. Article 26 paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law) as amended by Law Number 19 of 2016 And Law number 1 of 2024, states that "Unless otherwise determined by laws and regulations, the use of any information through electronic media concerning a person's data must be carried out with the consent of the person concerned". The article explains that the protection of personal data is one part of personal rights (privacy rights) which include the right to enjoy a private life and be free from all forms of interference, the right to communicate with others without being spied on, and the right to access information regarding a person's life and personal data. This instrument is important to provide guarantees of digital human rights protection for the entire community¹¹.

Although the 1945 Constitution and various related laws and regulations have provided a legal basis for the protection of human rights, there are still challenges in its implementation, especially in the ever-evolving digital context. Many individuals are not yet fully aware of their rights in cyberspace, and this lack of understanding can result in injustice and abuse by certain parties. In addition, Indonesia needs to align its laws and regulations with international standards to ensure the effective protection of digital human rights. With the rapid development of digital technology, new challenges such as privacy violations, data theft, and the spread of false information are increasingly urgent to address. Therefore, existing laws and regulations must be updated to be relevant and responsive to these issues. Adopting legal principles from countries that have successfully protected digital human rights, through a "legal transplant" strategy, is very relevant in this context.

The importance of a strong legal framework is not only for the protection of individuals but also to build public trust in the government and institutions that manage data. In achieving sustainable development, human rights protection and technological progress must go hand in hand, where effective regulations can encourage innovation and more ethical use of technology. The involvement of various stakeholders, including the government, private sector, and civil society, is essential to create inclusive and responsive regulations. By empowering

¹¹ Humas, *Loc.Cit.*

communities through education on digital human rights, Indonesia can ensure that technological progress does not compromise the basic rights of its citizens.

Some previous studies that are relevant to the research that the researcher wrote are the Journal entitled “New Digital Rights: Imagining Additional Fundamental Rights for the Digital Era” by Bart Custers which discusses the importance of recognizing and establishing new rights that are relevant to the development of technology and digitalization. Through this article, Custers argues that establishing these new rights is important to protect individuals in facing the challenges that arise from digitalization and to ensure that human rights remain relevant and effective in the digital era. This journal invites readers to consider how these rights can be integrated into the existing legal framework¹².

Next, the Journal entitled “Dignity and Utility of Privacy and Information Sharing in the Digital Big Data Age” by Julia M. Puauschunder¹³ discusses the relationship between privacy, information sharing, and human values in the context of the big data era. In this article, the author examines several key aspects, including the Concept of Privacy and Human Values. Overall, this journal invites readers to reconsider how privacy and information sharing can be managed well in the big data era, with an emphasis on the importance of dignity and human rights.

The paper titled “AI and Human Rights: Balancing Innovation and Privacy in the Digital Age” by Rajan Rayha and Shahana Rayhan¹⁴ discusses the challenges and opportunities arising from the integration of artificial intelligence (AI) with human rights protection, particularly in the context of privacy. The authors explain how advances in AI technology have brought about significant changes in various sectors, but have also raised concerns about their impact on individual privacy and potential human rights violations. They emphasize the importance of privacy as a fundamental component of human rights and examine the risks posed by the collection and analysis of big data associated with AI technologies. To this end, Rayha and Rayhan argue for the need to strike a balance between technological innovation and human rights protection, suggesting strict regulation to ensure that the use of AI does not violate privacy or other individual rights. The paper also offers policy recommendations, including the need for transparency in AI algorithms and accountability for developers and users of the

¹² Bart Custers, “New Digital Rights: Imagining Additional Fundamental Rights for the Digital Era”, *Computer Law & Security Review* 44 (April 2022): 105636, <https://doi.org/10.1016/j.clsr.2021.105636>.

¹³ Julia M. Puauschunder, “Dignity and Utility of Privacy and Information Sharing in the Digital Big Data Age”, *SSRN Electronic Journal*, (2018): 1-5, <https://doi.org/10.2139/ssrn.3286650>.

¹⁴ Rajan Rayhan and Shahana Rayhan, “AI and Human Rights: Balancing Innovation and Privacy in the Digital Age”, (2023), <https://doi.org/10.13140/RG.2.2.35394.56001>.

technology. Through case studies, the authors show how human rights violations can occur in the context of AI use and how some countries have implemented policies to protect privacy. Overall, the article invites readers to consider the ethical and social implications of the use of AI in human rights protection, as well as the importance of effective regulation in the digital age.

Based on the three previous studies that have been presented as comparative materials, none of the studies have examined the same research as the research that the author wrote. There has also been no research on legal transplant strategies to improve digital human rights protection in Indonesia. Therefore, through this background, the formulation of the problem that will be discussed is how can legal strategies from other countries be applied in Indonesia through legal transplant strategies to improve digital human rights protection. The purpose of this study is to identify and analyze the legal principles of other countries that have succeeded in protecting digital human rights and evaluate their suitability to the social, cultural, and economic context of Indonesia, to formulate effective policy recommendations to improve digital human rights protection through legal transplant strategies and support the achievement of sustainable development goals.

B. Method

The research method used in this study is normative juridical. Thus, it can also be called a library legal research conducted by examining library materials or secondary data as stated by Soerjono Soekanto and Sri Mamudji¹⁵. This method focuses on the analysis of applicable legal norms, including laws, regulations, and other legal documents relating to the protection of human rights in the digital realm. This study will examine and compare various international and national legal systems to identify best practices in the protection of digital rights. In addition, this study will also analyze academic literature and previous research results to provide a more comprehensive understanding of how legal transplantation can be implemented in Indonesia. Furthermore, this study uses legal materials consisting of primary, secondary, and tertiary legal materials collected using the library study method to then be analyzed qualitatively.

¹⁵ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Cetakan 5 (Jakarta: Grafindo Persada, 2001), 45.

C. Analysis and Discussion

According to Claudia Padovani, Francesca Musiani, and Elena Pavan, contemporary debates on human rights in the digital age can be understood as a conceptual “expansion” of human rights discourse. Such debates identify and articulate existing rights related to communication processes in a highly mediated digital environment, but do not rule out the possibility that new rights may be established¹⁶. In general, however, scholars argue that digital images have played an important and even essential role in the concept of “human rights.” The use of new media technologies is now commonplace, whether in human rights campaigns and educational advocacy, publicity for demonstrations and marches, or recording violations and victim testimonies¹⁷.

Digital Human Rights refer to rights related to the use of digital technologies and the internet, including the protection of privacy, freedom of expression, access to information, and the right to personal data in the context of the digital world. In an era where technology increasingly dominates everyday life, these rights are of particular importance to ensure that individuals can participate freely and safely in cyberspace. The connectedness and interaction that occurs in the digital world requires strong protection for every individual so that they can express their opinions, obtain information, and protect their privacy from abuse. Therefore, understanding and implementing Digital Human Rights is essential to creating an inclusive and safe environment for all users.

An essential component of Digital Human Rights includes freedom of expression, where individuals have the right to express opinions and information through digital platforms without fear of repression. This freedom includes not only the right to speak but also the right to freely access and share information. In the digital context, this means that everyone can participate in discussions, share ideas, and voice criticism of policies or social issues without fear of retribution from certain parties. Protection of freedom of expression is essential to foster open dialogue and transparency in society, as well as to strengthen democracy and public participation.

Privacy and protection of personal data are essential components of Digital Human Rights, where everyone has the right to privacy in the use of technology. This includes the protection of personal data from unauthorized collection, storage, and use. Individuals should

¹⁶ Padovani, Musiani, and Pavan, “Investigating Evolving Discourses on Human Rights in the Digital Age”, *The International Communication Gazette* 72, no. 4-5 (2010): 359-378; doi: 10.1177/1748048510362618

¹⁷ Giovanni Ziccardi, *Resistance, Liberation Technology and Human Rights in the Digital Age* (Dordrecht: Springer Netherlands, 2013), 86.

have control over their personal information and have the right to know how it is used and protected. In addition, access to information is a fundamental right, which allows individuals to access information freely and without hindrance. This includes the right to obtain information provided by governments and public institutions so that people can make informed decisions and actively participate in democratic processes. Both privacy and access to information contribute to transparency, accountability, and trust in digital interactions.

Digital justice is a key component of Digital Human Rights, which aims to ensure that all individuals, regardless of social, economic, or geographical background, have equal access to technology and the internet. This is essential to reduce the digital divide and provide equal opportunities for everyone to benefit from technology. Digital security is also an important aspect, which provides protection to individuals from cybercrimes, such as hacking, fraud, and cyber violence. With the increasing threats in the digital space, it is important to have appropriate mechanisms in place to protect users from potential harm. Participation in digital processes is a right that ensures individuals can be involved in decision-making regarding digital and technology policies. This includes the right to participate in public discussions on digital issues so that people's voices can be heard and accommodated. Lastly, digital education and literacy play an important role in improving individuals' ability to understand and use technology safely and effectively. This education includes knowledge of digital rights and responsibilities in cyberspace so that individuals can function well and responsibly in the ever-evolving digital environment. The combination of all these components is essential to creating a fair, safe, and inclusive digital ecosystem for everyone.

In this digital era, the protection of Digital Human Rights faces various complex and diverse challenges. One of the main challenges is the violation of privacy and personal data, where data collection by companies and governments often occurs without explicit consent, raising concerns about the misuse of information. In addition, censorship and restrictions on freedom of expression are problems in many countries, where internet users risk being arrested or intimidated if they express opinions that are contrary to the government. The digital divide is also a significant issue, with individuals from economically disadvantaged backgrounds often lacking adequate access to technology and the internet, resulting in inequalities in digital participation. Cybersecurity is another challenge, with increasing threats such as hacking and fraud leaving many individuals vulnerable.

The lack of adequate regulation in many countries adds to the complexity, as existing legal frameworks are often inadequate to address the issues that arise. Finally, low levels of digital awareness and literacy among the public mean that many individuals do not understand

their rights in the digital context. Addressing these challenges requires collaboration between various parties to create a safe and human rights-respecting digital environment. Privacy and personal data breaches have become a serious problem as data collection by companies and governments increases. Many individuals are unaware of how their data is collected, stored, and used, often without their explicit consent. This situation creates uncertainty about how their personal information is managed¹⁸.

Cases of data leaks and misuse of personal information are increasingly common, raising deep concerns about the security of individual data. Many people feel vulnerable to cyberattacks, fraud, or even the use of data for harmful purposes¹⁹. Furthermore, the lack of transparency from those who collect data exacerbates these problems, as individuals do not have adequate control over the information they hold. Thus, the protection of privacy and personal data becomes increasingly important to protect human rights in the digital age.

Censorship and restrictions on freedom of expression are serious problems in many countries. For example, in China, the government has implemented a very strict censorship system, known as the “Great Firewall,” which blocks access to certain websites and social media platforms such as Facebook and Twitter. In addition, users who criticize the government on social media or blogs can be arrested or intimidated. In Russia, recent legislation has restricted freedom of expression online, particularly when it comes to criticizing government actions, including the invasion of Ukraine. Many journalists and bloggers who dare to express their views on sensitive issues face prison sentences.

The digital divide is a significant challenge that creates inequalities in access to technology and the internet. Individuals from disadvantaged economic backgrounds or those living in remote areas often lack access to devices and stable internet connections. As a result, they are left behind in the opportunities offered by technology, such as online education, access to information, and digital health services²⁰. This makes it difficult for them to obtain important information, participate in increasingly online education programs, and access essential services such as telemedicine or government information. The digital divide not only exacerbates social and economic inequalities but also hinders the development potential of individuals and societies as a whole.

¹⁸ Shokhrukhbek Tillaboev, *Loc.Cit.*

¹⁹ Daniela Rupo *et. al.*, “A Framework Based on Sustainability, Open Innovation, and Value Cocreation Paradigms—A Case in an Italian Maritime Cluster”, *Sustainability* 10, no. 3 (March 7, 2018): 729, <https://doi.org/10.3390/su10030729>.

²⁰ Elias G. Carayannis and Joanna Morawska-Jancelewicz, “The Futures of Europe: Society 5.0 and Industry 5.0 as Driving Forces of Future Universities”, *Journal of the Knowledge Economy* 13, no. 4 (December 2022): 3445-71, <https://doi.org/10.1007/s13132-021-00854-2>.

As more and more aspects of life become dependent on technology, this lack of access can lead to further marginalization of individuals and communities. Weaknesses in regulation, particularly around accessibility and inclusion, exacerbate the existing digital divide. Therefore, addressing the digital divide is imperative to ensure that everyone has an equal opportunity to participate in this increasingly connected world. Efforts to provide better access and improve digital literacy are essential in bridging this gap and creating a more inclusive society. By strengthening regulations and policies that support digital access and literacy, Indonesia can create a safer and more equitable environment for all its citizens, while protecting digital human rights²¹.

The risk of digital human rights²² violations and abuses in Indonesia is very real and requires serious attention. One major issue is the misuse of personal data, where the practice of collecting and using information without permission can result in identity theft and fraud. In addition, privacy violations are common, especially with excessive surveillance by the government or third parties, which can threaten individual freedoms and create an atmosphere of distrust. Censorship is also a problem, where regulations can be abused to limit freedom of expression and control information circulating in society.

Digital discrimination further exacerbates the situation, where certain groups can be marginalized in access to technology and information. All of these risks not only create injustice, but can also erode public trust in the government and institutions, hinder active community participation in the digitalization process, and potentially harm sustainable social and economic development. The weaknesses of existing regulations in Indonesia related to the protection of digital human rights are also very striking. First, there is a lack of alignment between regulations that often overlap, causing confusion in their implementation. For example, the Personal Data Protection Law is not fully aligned with other related regulations, so that rights and obligations become unclear. In addition, law enforcement is often weak; even though there are regulations governing digital human rights, many cases of violations are not followed up seriously, resulting in impunity for the perpetrators. The lack of understanding and socialization of these regulations, both among the community and law enforcement, also contributes to low awareness and protection of digital human rights. Limited human resources and technology in supervisory institutions, such as the Ministry of Communication and Information, further worsen the effectiveness of regulatory implementation. Finally, existing

²¹ Bart Custers, *Loc.Cit.*

²² Susan Perry and Claudia Roda, *Human Rights and Digital Technology* (London: Palgrave Macmillan UK, 2017), 153.

regulations are often unresponsive to rapid technological changes, so they become outdated and irrelevant in facing new challenges that arise in the digitalization era.

1. Legal Transplant Strategy to Protect Digital Human Rights

The theory of legal transplantation is a theory that began to be widely used by several comparative and socio-legal scholars in the mid-1970s and has generated extensive academic debates in understanding the trajectory of legal development throughout the world. The term 'legal transplantation' comes from the term in botany (plant science) to describe the grafting of plant organs to other plants that can produce new plant varieties. Alan Watson, one of the early exponents of this theory, defines legal transplantation as the process of adopting laws that develop in a particular society to other countries that have different social, economic, political, and cultural backgrounds²³.

Legal transplantation can occur by copying or taking provisions, systems, or legal regulations from one country by another country, and by mixing the legal provisions of one country with another country. For example, legal regulations that have developed and advanced and have long been in effect in Western European and North American countries, are adopted, entered, and influenced legal regulations in neighboring countries and also countries far from the country, namely its colonies. Legal imitation can also occur when developing countries that are undergoing legal reform, take examples from the legal regulations in force in developed countries. In carrying out legal reform, a country takes some or several specific things from the regulations in force in developed countries²⁴.

The results of legal transplantation can result in similarities in applicable legal regulations, even though there are differences in the legal systems, both those that adopt common law and civil law. For this reason, caution is needed and this has long been a concern for comparative law experts because, in such legal transplants, there is a possibility of conflict in the application of the law. Although comparative law experts state that currently there is only a slight difference between the common law system and civil law when viewed in terms of the character of the legal system, such as case law compared to statutory law, legal systematics, or the influence of the legacy of Roman law which is the traditional distinction between common law and civil law²⁵.

²³ Syahriza Alkohir Anggoro, "Transplantasi Hukum Di Negara- Negara Asia: Suatu Perbandingan", *Indonesia Law Reform Journal* 1, no. 1 (2021): 19–31, <https://doi.org/10.22219/ilrej.v1i1.16121>.

²⁴ Ahmad Fauzi and Asril Sitompul, *Op.Cit.* 65.

²⁵ Holger Spamann Spamann, "Contemporary Legal Transplants: Legal Families and the Diffusion of (Corporate) Law", *Brigham Young University Law Review* 2009, no. 11 (2009): 1-65, <https://digitalcommons.law.byu.edu/lawreview>.

Many developed countries, such as Germany and France, have successfully adopted elements of effective personal data protection regulations. One of the most prominent examples is the implementation of the GDPR (General Data Protection Regulation) in the European Union. The GDPR provides a comprehensive legal framework to protect individuals' privacy rights and regulate the use of personal data by organizations. The regulation sets out various rights for individuals, such as the right to access their data, the right to correct incorrect information, and the right to be forgotten²⁶.

The implementation of GDPR²⁷ shows the importance of clear and firm regulations in overcoming challenges in the digital era. With strict sanctions for violators, GDPR encourages companies to be more transparent in data management and strengthen their commitment to protecting user privacy. Other countries, including Indonesia, can learn from the European Union's experience, by exploring concrete ways to adapt GDPR principles to local contexts. This will not only improve the protection of digital human rights but also build public trust in the use of technology and data in everyday life.

Germany has a strong reputation for privacy protection, being one of the leading countries in terms of data protection regulations in Europe. German data protection law strictly regulates the use of data, ensuring that any collection and processing of personal data is carried out on a clear and transparent legal basis. This law covers various aspects, from user consent to the right to access and delete data. Existing oversight mechanisms in Germany, such as independent regulatory bodies, serve to ensure compliance with the regulations. These bodies have the authority to conduct audits, impose sanctions, and handle public complaints regarding privacy violations. Germany's experience shows that strict regulation and effective oversight mechanisms can encourage organizations to consistently comply with data protection principles. With strong sanctions and a proactive approach to law enforcement, Germany has succeeded in creating a culture where privacy protection is considered a priority. This not only protects individuals from data misuse but also increases public trust in organizations and technology. Other countries, including Indonesia, can learn from Germany's experience by adopting a similar approach in formulating and implementing effective data protection regulations.

²⁶ Faqi Rawni Arndarnijariah and Jeferson Kameo, "The Right To Be Forgotten Sebagai Hukum Perlindungan Data Pribadi Korban Revenge Porn", *Jurnal Ilmu Hukum: ALETHEA* 8, no. 1 (2024): 69-82, <https://doi.org/10.24246/alethea.vol8.no1.p69-82>.

²⁷ Yahya Ziqra, *et. al.*, "Analisis Hukum General Data Protection Regulation (GDPR) Terhadap Data Pribadi Konsumen Dalam Melakukan Transaksi Online", *Iuris Studia: Jurnal Kajian Hukum* 2, no. 2 (June, 2021): 330-336, <https://doi.org/10.55357/is.v2i2.146>.

Brazil also grafted and adopted the Lei Geral de Proteção de Dados (LGPD), inspired by the European Union's GDPR. The LGPD provides a clear and comprehensive legal framework for personal data protection in Brazil, covering a range of individual rights such as the right to access, rectify, and delete their data. The LGPD also establishes obligations for data controllers, who are responsible for the management and security of the data they collect²⁸. Brazil's experience shows that while developing countries face unique challenges, such as immature legal infrastructure and low public awareness, the implementation of strong regulations such as the LGPD can significantly improve the protection of digital human rights. With the LGPD, Brazil is committed to protecting the privacy of its citizens and promoting transparency in data management²⁹.

The regulation also creates space for innovation and the development of a more ethical digital economy, which has the potential to attract foreign investment and increase public trust in the use of technology. Therefore, Brazil's experience in implementing the LGPD can serve as an inspiring model for other countries, including India, to strengthen personal data protection and digital human rights in their local contexts. India is in the process of developing a better data protection law to address the challenges of the digital age. In this endeavor, India is studying the experiences of other countries, especially those that have successfully implemented effective data protection regulations, such as the GDPR in the European Union and the LGPD in Brazil. By adopting an approach based on international best practices, India is working to create a system that is suited to local needs and characteristics, taking into account existing social and cultural diversity.

2. Recommendations for the Implementation of Legislation in Indonesia in the Framework of Protecting Digital Human Rights

A journey through the intersection of human rights, cyber law, and online freedom highlights the profound impact of technology on the ethical and legal fabric of society. Cluster analysis, most cited works, and keyword trends reveal a landscape where scholars collaborate across disciplines to address the complex challenges and opportunities emerging from the digital age. The prevalence of terms such as "Internet Freedom," "Surveillance," and "Digital Age" highlight key issues in the discourse. Insights gained from this study underscore the urgent need to adapt legal frameworks, policy considerations, and ethical guidelines to the

²⁸ Ministério do Esporte, "Lei Geral de Proteção de Dados Pessoais (LGPD)", <https://www.gov.br/esporte/pt-br/acesso-a-informacao/lgpd>, accessed 30 September 2024.

²⁹ Ministério Público Federal, "O Que é a LGPD?," 2018, <https://www.mpf.mp.br/servicos/lgpd/o-que-e-a-lgpd>, accessed 30 September 2024.

dynamic digital landscape. From the foundational work of Castells and Norris to the critical assessments of Morozov and Belk, these influential authors have paved the way for further exploration. The clusters highlight the multidimensionality of the field, encompassing civil liberties, the role of government, surveillance challenges, and the diverse nature of cyberspace. Keyword analysis provides a glimpse into prevailing trends, indicating a growing focus on cybersecurity, online platforms, and inclusive considerations³⁰. As the technological landscape continues to change, human rights principles must be upheld in the digital realm. This research serves as a guideline, encouraging academics, policymakers, and the public to collaborate in fostering a digital environment that protects individual freedoms, empowers users, and fosters a harmonious balance between innovation and fundamental rights. The journey does not end here; it will continue to realize a digital world that respects the values and aspirations of all its inhabitants.

Significant improvement in the system of protection of human rights and civil rights and freedom of information can be done by identifying the regularity of functions, development trends, and problems of legal mechanisms for the protection of human rights and civil rights and freedom of information, and strengthening their respective components and institutions. Information technology continues to develop and poses new risks and threats. However, the main problems that currently arise in the process of protecting violated rights are the difficulty of identifying violators, the difficulty of implementing response measures given the extraterritorial nature of the Internet, and the difficulty of finding a balance between responding to violations and maintaining freedom in the information space³¹.

Indonesia needs to actively identify and adapt legal principles from other countries that have proven effective, especially in terms of personal data protection, privacy rights, and transparency. The same rights that people have offline must also be protected online. As humans transition to the online world³², so must human rights. Of course, this process must involve constructive dialogue with various stakeholders, including civil society, academia, and the private sector so that the regulations developed can meet the needs of the community and address existing challenges. In addition, reviewing and updating existing regulations is essential to ensure that all aspects of digital human rights protection are well integrated. This

³⁰ Supriandi, Khairunnisa, and Wahyu Utama Putra, *Loc.Cit.*

³¹ V Pyrohovska *et al.*, "Human Rights Protection in the Context of Information Technology Development: Problems and Future Prospects", *Futurity Economics&Law*, (February 14, 2024): 38-51, <https://doi.org/10.57125/FEL.2024.03.25.03>.

³² Jacopo Coccoli, "The Challenges of New Technologies in the Implementation of Human Rights: An Analysis of Some Critical Issues in the Digital Era", *Peace Human Rights Governance* 1, no. 07 (2017): 223-50, <https://doi.org/10.14658/pupj-phrg-2017-2-4>.

includes the need to update existing laws to align with technological developments and global best practices. With these steps, Indonesia can create a stronger and more responsive legal framework, and protect the digital rights of its citizens amid an ever-evolving digital era.

Strengthening the capacity of institutions tasked with enforcing data protection regulations, such as the Ministry of Communication and Information (Kominfo) and independent supervisory institutions, is an important step to ensure effective law enforcement. This includes comprehensive human resource training on data protection and digital human rights, as well as adequate technological upgrades to monitor and analyze violations. In this regard, investment in software and data management systems is essential. In addition, building collaborative networks with international institutions will enrich local understanding and skills. To ensure compliance with regulations, it is also important to establish transparent and accountable oversight mechanisms. This includes regular audits by independent institutions, publication of monitoring reports, and providing easily accessible channels for individuals to report digital human rights violations. Serious follow-up on each report of violations is also needed so that the public feels heard and protected. With these steps, Indonesia can create a more effective data protection system and increase public trust in law enforcement. Collaboration with various stakeholders is essential to create inclusive and effective digital human rights protection regulations. With collaboration between the government, private sector, academics, and civil society, an open dialogue can be created that allows various parties to share perspectives and experiences. Thus, the resulting solution will be more balanced, considering the protection of individual rights while meeting business interests. In addition, the resulting regulation must be flexible and responsive to rapid technological developments. Regular review and updating of regulations is essential to ensure that digital human rights protection remains relevant and effective in facing new challenges. With a collaborative and adaptive approach, Indonesia can build a strong legal framework to protect its citizens in the digital era. If Indonesia transplants the implementation of the basic principles of the GDPR (General Data Protection Regulation) from the European Union, several key aspects will be integrated into the data protection legal framework in Indonesia.

The principle of transparency requires organizations to provide clear and easy-to-understand information to individuals about how their data is collected, used, and stored, including the purpose of collection and the parties who have access to the data. In addition, the principle of accountability requires organizations to be responsible for the management of personal data and demonstrate compliance with applicable provisions, for example by appointing a Data Protection Officer (DPO) whose job is to ensure that data management

practices are by the provisions. Individual rights must also be accommodated, including the right to access data collected about them, the right to correct misinformation, and the right to be forgotten. The implementation of these principles will provide a strong framework to protect individual privacy, increase public trust in organizations and governments, and create an environment conducive to innovation and investment in the digital sector. By adopting the principles of the GDPR, Indonesia can maintain compliance with global standards, facilitate international cooperation, and strengthen the protection of its citizens' digital human rights.

Transplanting GDPR (General Data Protection Regulation) into the Indonesian legal framework can have various positive impacts, especially in protecting digital human rights. First, by adopting the principles of GDPR, individuals in Indonesia will receive stronger protection of their data, including the right to access, correct, and delete data, so that people have greater control over their personal information. In addition, the implementation of GDPR will bring Indonesia more in line with international data protection standards, improve the country's reputation in the eyes of the global community, and facilitate cooperation and trade with other countries. The existence of clear regulations will also increase public trust because people will feel safer using digital services. In addition, the implementation of GDPR will provide a stricter legal framework to address the misuse of personal data, reducing the risk of identity theft and misuse of information. By encouraging transparency and accountability among organizations, GDPR will encourage companies to develop clearer and more responsible privacy policies. Public awareness of their rights regarding personal data will also increase, thanks to better education about data protection. Finally, this regulation will spur innovation in digital technology and services, because companies will be more motivated to create safe and efficient solutions. Thus, the transplantation of GDPR can create a digital environment that is safer and more responsive to the needs of the people in Indonesia.

The GDPR (General Data Protection Regulation) provides a comprehensive legal framework to protect individuals' digital human rights through several key articles. Article 15 sets out the right to access data, which allows individuals to request information about their data being processed, including the purposes and third parties involved. Article 16 sets out the right to rectify inaccurate data, while Article 17 sets out the right to be forgotten in certain situations, such as when data is no longer needed or has been processed unlawfully. Article 18 sets out the right to restrict data processing, which allows individuals to request that their data not be processed further in certain circumstances. Additionally, Article 20 sets out the right to data portability, which allows individuals to receive their data in a readable format and have it transferred to another data controller. Article 21 sets out the right to object

to data processing, in particular for direct marketing purposes, and Article 22 protects individuals from automated decisions that significantly affect them. By setting out these rights, the GDPR ensures that individuals have greater control over their data, protecting their privacy in the digital age.

C. Conclusion

The Legal Transplantation Strategy in Improving Digital Human Rights Protection in Indonesia is carried out by transplanting GDPR (General Data Protection Regulation) regulations into the Indonesian legal framework. This aims to provide various positive impacts, especially in digital human rights protection. First, by adopting the principles of GDPR, individuals in Indonesia will receive stronger protection for their data, including the right to access, correct, and delete data, so that the public has greater control over personal information. In addition, the implementation of GDPR will bring Indonesia more in line with international data protection standards, improve the country's reputation in the eyes of the global community, and facilitate cooperation and trade with other countries. The existence of clear regulations will also increase public trust because people will feel safer using digital services. In addition, the implementation of GDPR will provide a stricter legal framework to address the misuse of personal data and reduce the risk of identity theft and misuse of information.

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