

Legal Protection for Neighborhood Association Administrations in the Implementation of Personal Data Collection Duties

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Abstract

The advancement of information technology and cultural changes in information sharing have had a significant impact on how personal data is managed and accessed. The aim of this research is to determine legal protection for neighborhood administration association in the implementation of personal data collection duties. The method used by the researcher is a qualitative method with normative judicial analysis using several research questions formulated by the researcher. The Neighborhood Association (RT) requires sufficient knowledge to carry out its duties as a personal data processor as stated in the Personal Data Protection (PDP) Law. In carrying out their duties as processors, Neighborhood Association (RT) administrators must pay attention to the obligations contained in the law. However, considering the amount of data that is still being leaked, as a personal data processor, they cannot solve all the problems alone and bear the consequences as stated in the Personal Data Protection (PDP) Law. There needs to be legal certainty that also helps carry out Neighborhood Association (RT) duties as a personal data processor. Referring to countries in the world, Indonesia is lagging behind in the struggle to ensure that personal data protection laws are implemented from the private to the government level, including Neighborhood Association (RT).

Keywords: *Association Administration; Legal Protection; Personal Data Collection*

INTRODUCTION

In the continuously evolving era of digital transformation, the collection, storage, and use of personal data have become a central element in various aspects of people's lives. Personal data includes sensitive information about individuals, including but not limited to personal identity, address, telephone numbers, and other data that can be used to personally identify individuals (Ellström et al., 2022; Feliciano-Cestero et al., 2023; Van Veldhoven & Vanthienen, 2022). The advancement of information technology and cultural changes in information sharing have had a significant impact on how personal data is managed and accessed. In the midst of these changes, Neighborhood Association or *Rukun Tetangga (RT)* administrators have an increasingly important role in maintaining the integrity and privacy of the personal data of the residents they serve. RT administrators often act as the primary link between the government and residents at the community level. They collect, store, and use citizens' personal data in various contexts, from population registration to organizing community events (Rajni, 2020).

Personal data contains information of identity and codes, which can be in the form of letters or numbers as a person's privacy. The existence of personal data for every individual in Indonesia has many purposes, ranging from public service purposes from the government, health services, to banking services. In this context, personal data breaches have become an increasingly pressing issue. When citizens' personal data that should be processed with integrity and security is at risk of breach, the consequences can be very serious. Personal data breaches can damage individual privacy, lead to misuse of data, and, most importantly, have serious legal implications for both Neighborhood Association (RT) administrators and affected parties (Choudhury & Rabbani, 2020; Ogiela, 2013). Therefore, this research aims to explore the role of Neighborhood Association (RT) administrators in maintaining the privacy of citizens' personal data and preventing legal violations related to the collection of personal data (Ali, 2018). In addition, this

research also identifies various forms of personal data violations that may occur in data collection practices by Neighborhood Association (RT) administrators. Furthermore, this research explores legal measures if allegations of personal data breaches arise, including mediation efforts, deletion of unauthorized data, or other appropriate legal action. As a result, this research has provided a comprehensive view of the important role of Neighborhood Association (RT) administrators in protecting citizens' personal data and an understanding of how legal measures can assist in resolving personal data breaches that may occur in the context of local communities (Fitrah et al., 2022).

Therefore, legal protection for Neighborhood Association (RT) administrators regarding personal data needs to be studied quickly and urgently when considering the phenomenon of personal data theft which is still widespread. With the legal protection, there will be clear guidelines for responding to cases of misuse of personal data within the Neighborhood Association (RT) environment (Piasek et al., 2022; Ruef & Kwon, 2016; Saidani et al., 2023). Based on this research, there is a strong expectation to find legal solutions or recommendations in Indonesia to provide an overview and analysis regarding legal protection for Neighborhood Association (RT) administrators in the implementation of personal data collection as well as the protection of the personal data collected by the Neighborhood Association (RT).

RESEARCH METHODS

The method used by the researcher is a qualitative method with normative judicial analysis using several research questions formulated by the researcher.



Figure 1. Qualitative Research Method Design

The research questions used in this research are as follows forms of legal violations must be prevented by Neighborhood Association (RT) administrators in the implementation of personal data collection duties and legal measurement can be taken by Neighborhood Association (RT) administrators if there are allegations of legal violations in the implementation of personal data collection duties.

RESULT AND DISCUSSION

The development of internet networks throughout the world has made data to be a valuable asset. It has been familiar that each country and society are targeting personal data to use it for personal or group gain. The rise in cases of data theft both in Indonesia and even in the world has made the Indonesian government immediately pass the Personal Data Protection (PDP) Law in 2022. The Personal Data Protection (PDP) Law stipulates that both controllers and processors of personal data are (1) Every person; (2) Public Institutions; and (3) International organizations. If the controller or processor of personal data commits a violation or error, then, in accordance with the Personal Data Protection (PDP) Law, they will be subject to administrative sanctions. These sanctions can be in the form of (1) Warnings given in writing, (2) Temporary cessation of personal data processing, (3) Deletion of personal data, and/or (4) Administrative fines in the form of 2% of the processor's annual income (RI & Bpk.go.id, 2022).

However, after the ratification of the Personal Data Protection (PDP) Law, data leaks from both the private sector and government from central to regional levels still often occur. Based on research by Arvy Chico Armando & Soeskandi (2023), the method of stealing personal data, for example, occurs through *doxing* (Arvy Chico Armando & Soeskandi, 2023). In the regional areas, enforcement of the Personal Data Protection (PDP) Law is slow, where cases of theft of personal data, either for *doxing* or other forms of abuse, often occur.

According to Yitawati et al. (2022), the passing of the Personal Data Protection (PDP) Law is not a solution to the problem of data theft. There are still many people and institutions including legal entities who do not understand how important personal data is in the current era (Yitawati et al., 2022). Therefore, there are still many possibilities for misuse of personal data at the regional government level, including at the Neighborhood Association (RT) level.

Neighborhood Association (RT) regulations as Living law in society can be one way to justify the authority of RT administrators. Living law is a law that lives and develops in society, which is not written but is recognized and obeyed by society. This Neighborhood Association (RT) regulations can be the basis for its administrators to exercise their authority.

The following are several reasons why Neighborhood Association (RT) regulations as Living law can be one way to justify the authority of Neighborhood Association (RT) administrators (Barda Nawawi Arief, 2007) :

- Neighborhood Association (RT) regulations are the result of community deliberation and consensus. This shows that these regulations are a representation of the community's wants and needs.
- Neighborhood Association (RT) regulations have been recognized and obeyed by the community. This shows that these regulations have legitimacy in society.
- Neighborhood Association (RT) regulations are useful for regulating community life at its level. This shows that these regulations have an important function in society.

Thus, these regulations as Living law can be a basis for Neighborhood Association (RT) administrators to exercise their authority. They can use these regulations to take decisions and actions necessary to regulate community life at the Neighborhood Association (RT) level.

The following are several examples of how Neighborhood Association (RT) administrators can use these regulations as Living law to justify their authority:

- Neighborhood Association (RT) administrators can use Neighborhood Association (RT) regulations to make decisions about infrastructure development and improvements in its place.
- Neighborhood Association (RT) administrators can use Neighborhood Association (RT) regulations to regulate social and cultural activities in its place.

- Neighborhood Association (RT) administrators can use Neighborhood Association (RT) regulations to resolve conflicts and disputes in its place.

By using Neighborhood Association (RT) regulations as Living law, administrators can exercise their authority more effectively and efficiently.

According to the Minister of Home Affairs Regulation No. 18 of 2018 concerning Neighborhood Units, Neighborhood Association (RT) has the following authority (Regulation of the Minister of Home Affairs Number 20 of 2018 concerning Village Fund Management, 2018):

- Leading the administration of government at the neighborhood level
- Coordinating the implementation of development at the neighborhood level
- Coordinating the maintenance of peace and order at the neighborhood level
- Coordinating the implementation of community empowerment at the neighborhood level
- Coordinating the implementation of social welfare at the neighborhood level

Meanwhile, based on the Regulation of Mayor Surabaya/*Perwali* No. 112 of 2022 concerning Neighborhood Units, Neighborhood Association (RT) has the following authority as follows: (*Perwali Surabaya Number 112 of 2022 concerning Neighborhood Units* , 2022)

- Leading the administration of government at the neighborhood level
- Coordinating the implementation of development at the neighborhood level
- Coordinating the maintenance of peace and order at the neighborhood level
- Coordinating the implementation of community empowerment at the neighborhood level
- Coordinating the implementation of social welfare at the neighborhood level
- Coordinating the implementation of data and information at the neighborhood level

Based on the Personal Data Protection (PDP) Law, Neighborhood Association (RT) as a personal data processor has the following obligations:

- Collecting personal data in a lawful and fair manner
- Processing personal data with clear and legitimate purposes
- Maintaining the confidentiality of personal data
- Ensuring that the personal data processed is accurate and up to date
- Protecting personal data from unauthorized access, collection, use, disclosure, deletion or destruction
- Providing data subjects with access to their personal data
- Correcting or deleting inaccurate or invalid personal data
- Providing information to data subjects about the processing of personal data
- Reporting personal data breaches to data subjects and supervisory bodies

Based on the results of this comparison, it can be concluded that Neighborhood Association (RT)'s authority is based on *Permendagri* No. 18 of 2018 and *Perwali* Surabaya No. 112 of 2022 is generally in accordance with the provisions of the Personal Data Protection (PDP) Law. However, there are several things that need to be added or changed to ensure that Neighborhood Association (RT) can carry out its authority and obligations as a personal data processor effectively and efficiently. The following are several recommendations for improving Neighborhood Association (RT)'s authority as a personal data processor (Shidarta, 2019):

- Regulations that specifically regulate the procedures for collecting, storing and using personal data by Neighborhood Association (RT) is required. These regulations need to regulate several things, such as the types of personal data that can be collected, lawful and fair ways of collecting personal data, and the purposes for which personal data used.
- Training for Neighborhood Association (RT) is needed regarding personal data protection. This training is provided to Neighborhood Association (RT) so that they understand the importance of protecting personal data and carry out their authority and obligations as personal data processors effectively.

- Support from local government and the community is necessary to assist Neighborhood Association (RT) in implementing its authority and obligations as a personal data processor. This support can take the form of providing the infrastructure and resources needed by Neighborhood Association (RT) to protect personal data.

Through these improvements, it is expected that Neighborhood Association (RT) can carry out its authority and obligations as a personal data processor effectively and efficiently. Thus, it can properly protect citizens' personal data. Neighborhood Association (RT)'s authority as a personal data processor is an important thing to be concerned. This is because Neighborhood Association (RT) has the access to citizens' personal data information, such as population data, social data and economic data. If this personal data is not protected properly, it could create a risk of personal data breaches (Azhari, 2022).

Personal data breaches are the actions that violate the provisions of Law No. 27 of 2022 concerning Personal Data Protection (UU Personal Data Protection (PDP) Law). Personal data breaches can occur due to various factors, such as negligence, intention, or due to cyber-attacks (RI & Bpk.go.id, 2022).

In order to prevent personal data breaches, personal data processors must follow the obligations stipulated in the Personal Data Protection (PDP) Law. These obligations are as follows:

- Collecting personal data in a lawful and fair manner
- Processing personal data with clear and legitimate purposes
- Maintaining the confidentiality of personal data
- Ensuring that the personal data processed is accurate and up to date
- Protecting personal data from unauthorized access, collection, use, disclosure, deletion or destruction
- Providing data subjects with access to their personal data
- Correcting or deleting inaccurate or invalid personal data
- Providing information to data subjects about the processing of personal data
- Reporting personal data breaches to data subjects and supervisory bodies

By following these obligations, personal data processors can reduce the risk of personal data breaches.

The following are some personal data breaches that can be prevented by following the obligations as a personal data processor:

- Personal data leak

Personal data leaks occur when personal data is accessed by unauthorized parties. This can occur due to personal data processor negligence in securing personal data or due to cyber-attacks.

Personal data processors can prevent personal data leaks by following obligations to maintain the confidentiality of personal data and protect personal data from unauthorized access, collection, use, disclosure, deletion or destruction.

- Unauthorized use of personal data

Unauthorized use of personal data occurs when personal data is used for a purpose that is incompatible with the purpose for which it was collected. This can occur due to negligence by the personal data processor in determining the purpose of collecting personal data, or due to misuse of personal data by irresponsible parties.

Personal data processors can prevent unauthorized use of personal data by following the obligation to process personal data for clear and legitimate purposes.

- Change of personal data without the consent of the data subject

Change of personal data without the data subject's consent occurs when personal data is changed without the data subject's knowledge or consent. This can occur due to personal data processor negligence in managing personal data, or due to attempts in manipulating personal data.

Personal data processors can prevent changes to personal data without the data subject's consent by following obligations to provide data subjects with access to their personal data and correct or delete inaccurate or illegal personal data.

- Unauthorized destruction of personal data

Unauthorized destruction of personal data occurs when personal data is destroyed without following the correct procedures. This can occur due to personal data processor negligence in managing personal data, or due to efforts to eliminate evidence of a personal data breach.

Personal data processors can prevent unlawful destruction of personal data by following obligations to ensure that the personal data processed is accurate and up to date.

By following their obligations as personal data processors, they can help protect the personal data of Indonesian citizens. Its protection is important to maintain the privacy and security of Indonesian citizens.

Personal data breaches can cause various losses for data subjects, such as financial losses, reputational losses, and psychological losses. Therefore, it is important for personal data processors to take steps to prevent personal data breaches.

Here are some tips to prevent personal data breaches (Ramadhana, 2023):

- Do a risk assessment

The first step that needs to be taken is to carry out a risk assessment. This risk assessment aims to identify risks that may occur in the processing of personal data.

- Mitigate risks

Once the risks are identified, risk mitigation needs to be carried out. This risk mitigation aims to reduce the risk of personal data breaches.

- Do monitoring and evaluation

The final step is to carry out monitoring and evaluation. This monitoring and evaluation aims to ensure that the risk mitigation steps that have been taken are effective.

Legal Actions that Can be Taken by Neighborhood Association (RT) Administrators in Allegations of Legal Violations

Neighborhood Association (RT) administrators have an important responsibility in collecting and managing the personal data of residents in their area. If there are allegations of legal violations in carrying out the task of collecting personal data, Neighborhood Association (RT) administrators can take several legal measures to resolve the problem. The following is an explanation of the legal efforts that can be taken:

Consultation with Authorities:

If Neighborhood Association (RT) administrators suspect that there has been a violation of the law, the first step they can take is to consult with the relevant authorities, such as the police, government agencies responsible for protecting personal data, or legal institutions. In many cases, law enforcement and investigations will be the responsibility of higher authorities.

Notice to Concerned Residents if the alleged personal data breach involves a particular resident, the Neighborhood Association (RT) administrator can provide notification to the resident or people concerned about the alleged violation. This can help citizens to take legal action themselves if necessary.

Internal Check Neighborhood Association (RT) administrators can also carry out internal checks related to the collection of personal data. They can check documentation, procedures, and personal data management practices to ensure that no legal violations are occurring at the local level. Influence on the Implementation of Government Regulations is Neighborhood Association

(RT) administrators can try to ensure that the implementation of government regulations relating to personal data protection has been followed correctly. They can coordinate with local government agencies to check the compliance of personal data collection practices with applicable laws and regulations.

Consultation with the Legal Experts Neighborhood Association (RT) administrators can also seek help from legal experts or advocates who have knowledge of personal data protection. Legal experts can provide legal advice on what actions to take in such situations and assist in resolving legal issues. Act in accordance with Applicable Legal Procedures If it is proven that there is a legal violation involving Neighborhood Association (RT) administrators, they must be prepared to follow applicable legal procedures. This may include attending legal proceedings, providing necessary evidence, or complying with orders issued by authorities.

It is important to remember that any legal action taken must be in accordance with applicable law and the human rights of the citizens involved. Neighborhood Association (RT) administrators need to operate within an appropriate legal framework and respect citizens' privacy rights while carrying out their duties in collecting personal data.

CONCLUSION

The development of internet networks has given rise to new challenges in national life. Numerous cases of personal data theft, which are often misused by irresponsible parties, causing tension among society. Indonesia has actually responded to the problem of personal data theft by passing the Personal Data Protection Law (UU Personal Data Protection (PDP) Law) in 2022. However, despite the enactment of this law, there are still many cases of personal data theft that have surfaced, including at the lowest level of government, namely Neighborhood Association (RT). In social life, even at the smallest level, there is still a Living law in the community where basically the law is a mutual agreement by the members of the community so that Neighborhood Association (RT) administrators have authority. This is also strengthened by the Personal Data Protection (PDP) Law, which Neighborhood Association (RT) is a processor that has authority from a public institution, namely the sub-district which provides duties and authority. Neighborhood Association (RT)'s authority is based on Ministerial Decree No. 18 of 2018 and Perwali Surabaya No. 12 of 2022 is generally in accordance with the provisions of the Personal Data Protection (PDP) Law. However, there are several things that need to be added or changed to ensure that Neighborhood Association (RT) can carry out its authority and obligations as a personal data processor effectively and efficiently. The Neighborhood Association (RT) requires sufficient knowledge to carry out its duties as a personal data processor as stated in the Personal Data Protection (PDP) Law. In carrying out their duties as processors, Neighborhood Association (RT) administrators must pay attention to the obligations contained in the law. However, considering the amount of data that is still being leaked, as a personal data processor, they cannot solve all the problems alone and bear the consequences as stated in the Personal Data Protection (PDP) Law. There needs to be legal certainty that also helps carry out Neighborhood Association (RT) duties as a personal data processor. The importance of legal certainty regarding personal data protection is no longer a matter of the availability of a governing law but rather its implementation so that legal certainty can actually work. Referring to countries in the world, Indonesia is lagging behind in the struggle to ensure that personal data protection laws are implemented from the private to the government level, including Neighborhood Association (RT).

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