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The Siyasaḥ Dusturiyyah Perspective on Personal Data Protection in Digital Public Services in Bandung Kidul District, Bandung City, Under Law Number 27 of 2022

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Abstract

This study examines the implementation of personal data protection in digital public services at Bandung Kidul District, Bandung City, based on Law Number 27 of 2022 concerning Personal Data Protection from the perspective of Siyāsaḥ Dustūriyyah. The research employs an empirical juridical approach using a case study method with a descriptive, analytical, and evaluative design. The findings indicate that Bandung Kidul District has implemented personal data protection through standard operating procedures (SOPs) for data management, awareness programs for government personnel, the provision of information to the public prior to data collection, and mitigation procedures in the event of a data breach. However, the implementation has not yet been fully effective due to several constraints, including limited technological infrastructure, budgetary resources, and human resource capacity. From the perspective of Siyāsaḥ Dustūriyyah, personal data protection constitutes part of the government's fiduciary responsibility (*amanah*) to safeguard the public interest (*maslahah*) and to protect citizens' dignity and property. Therefore, strengthening technical regulations, enhancing the capacity of government officials, and providing adequate supporting infrastructure are essential to ensure the effective implementation of personal data protection at the district level.

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Introduction

The digitalization era has fundamentally transformed the paradigm of public administration in Indonesia, including at the district level (*kecamatan*), which serves as the frontline of public service delivery closest to the community. Bandung Kidul District, one of the districts in Bandung City, has implemented various digital public service systems, including electronic identity cards (e-KTP), electronic family cards (e-KK), an online population administration information system, digital licensing services, an online public complaint application, a digital queue management system, and other information technology-based public service platforms.

The personal data collected through digital public services at the district level comprise highly sensitive and comprehensive information, including the National Identity Number (*Nomor Induk Kependudukan* or NIK), residential address, marital status, high-resolution facial photographs, fingerprints and other biometric data, as well as economic information. Every day, Bandung Kidul District serves hundreds of residents through various administrative services, resulting in the collection, processing, and storage of thousands of personal data records within its digital systems.

From the perspective of *Siyāsah Dustūriyyah* (Islamic constitutional law), personal data protection represents a concrete manifestation of the fundamental principles of Islam that have been upheld for more than fourteen centuries (Rosadi, 2022). Personal data protection is closely associated with the concept of *hifz al-'ird* (the protection of human dignity), which constitutes one of the *al-maqāṣid al-khamsah* (the five essential objectives of Islamic law). Furthermore, the principle of *hifz al-māl* (the protection of property) is equally significant because personal data may be misused for financial fraud and other forms of economic crime (Alziyadat & Ahmed, 2019).

Islam strongly emphasizes the protection of privacy and human dignity. The Qur'an instructs believers: "O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]" (Qur'an 8:27).

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمْنَكُمْ وَأَنْتُمْ تَعْلَمُونَ

This verse explicitly prohibits the betrayal of trust (*amanah*) entrusted to an individual and forbids the disclosure of such trust to unauthorized parties. In the contemporary context, this principle may be analogized to the unauthorized access, collection, processing, or disclosure of an individual's personal data without lawful consent.

On 17 October 2022, the Government of Indonesia enacted Law Number 27 of 2022 concerning Personal Data Protection (*Undang-Undang Perlindungan Data Pribadi* or PDP Law), marking the country's first comprehensive legal framework specifically regulating the collection, processing, storage, and use of personal data by both public and private sectors (Republic of Indonesia, 2022). The enactment of this law represents a significant milestone in strengthening legal protection for Indonesian citizens' personal data while aligning the national regulatory framework with international standards, particularly the European Union's General Data Protection Regulation (GDPR) (Maharani et al., 2025).

Nevertheless, the implementation of the Personal Data Protection Law at the district (*kecamatan*) level, as the frontline of public service delivery, continues to face numerous challenges. These include inadequate cybersecurity infrastructure, limited institutional

capacity and human resources, low levels of public legal awareness, the absence of specific implementing regulations, budgetary constraints, and the complexity of coordinating multiple digital information systems. Consequently, a substantial gap remains between the normative objectives of the law and its practical implementation.

In Bandung Kidul District, incidents of personal data breaches, particularly through doxing and phishing attacks, have emerged as tangible threats to the local community. At the national level, Indonesia has experienced several major personal data breach incidents, including the leakage of data belonging to approximately 91 million Tokopedia users in 2020, 279 million records from the National Health Insurance Agency (BPJS Kesehatan) in 2021, and 105 million voter records maintained by the General Elections Commission (Komisi Pemilihan Umum or KPU) in 2024 (Santoso & Hamzah, 2022). Internationally, high-profile cases such as the Cambridge Analytica scandal involving approximately 87 million Facebook users and the Aadhaar data breach in India further demonstrate that personal data protection has become a global concern (Acquisti et al., 2015).

The European Union responded to these challenges by enforcing the General Data Protection Regulation (GDPR) in 2018, which authorizes administrative fines of up to 4% of a company's annual global turnover for violations of data protection obligations (Politou et al., 2018). This international experience demonstrates the importance of comprehensive legal regulations accompanied by effective enforcement mechanisms.

Based on the foregoing background, this study addresses three principal research questions: (1) how is Law Number 27 of 2022 on Personal Data Protection implemented in Bandung Kidul District; (2) how has the district government formulated and implemented policies in response to Law Number 27 of 2022; and (3) how does the perspective of *Siyāsah Dustūriyyah* evaluate the implementation and policy of personal data protection in digital public services?

This study employs an empirical juridical approach, which examines law not only as a body of written legal norms but also as a social phenomenon operating within society. According to Soekanto (2007), empirical legal research views law as observable social behavior; therefore, legal analysis should extend beyond statutory texts to investigate how legal norms are implemented, complied with, or constrained in practice. In this study, the empirical juridical approach is applied to assess the conformity between the provisions of Law Number 27 of 2022 concerning Personal Data Protection and the implementation of digital public services in Bandung Kidul District (Republic of Indonesia, 2022).

This approach is further supported by Ibrahim (2006), who argues that the operation of law is invariably influenced by non-juridical factors, including institutional structures, legal culture, the quality of human resources, and broader social conditions. Accordingly, the empirical juridical approach is considered appropriate for evaluating the effectiveness of personal data protection because the issues under investigation involve not only legal substance but also policy implementation, institutional capacity, and the adequacy of supporting infrastructure. Through this approach, the study seeks to provide a comprehensive understanding of the relationship between legal norms and empirical realities.

Furthermore, this research adopts a case study method, with Bandung Kidul District serving as the unit of analysis. Yin (2018) explains that a case study is particularly appropriate for investigating contemporary phenomena within their real-life contexts,

especially when the boundaries between the phenomenon and its context are not clearly distinguishable. Through this method, the researcher is able to examine in depth the governance of personal data, digital public service procedures, internal district policies, and the experiences of both government officials and members of the public regarding the implementation of personal data protection. Consequently, this study not only describes the phenomenon in general terms but also explores the specific characteristics of the case under investigation.

In addition, this research is descriptive, analytical, and evaluative in nature. Nazir (2017) states that descriptive research aims to provide a systematic, factual, and accurate description of a particular phenomenon or object of study. In the present research, the descriptive aspect is employed to explain how digital public services are administered in Bandung Kidul District and how citizens' personal data are managed. The analytical aspect is used to compare empirical practices with the provisions of the Personal Data Protection Law and the principles of *Siyāṣah Dustūriyyah*, while the evaluative aspect assesses the effectiveness of personal data protection implementation and identifies the gap between *das sollen* (the normative legal framework) and *das sein* (empirical reality) (Bungin, 2017). Through this integrated approach, the study is expected to provide a comprehensive, critical, and systematic understanding of the implementation of personal data protection in digital public services at the district level.

Method

In general, this section describes how the study was conducted. The subject matter of this sections are: (1) the study design; (2) the sample population or subject of the research; (3) data collection techniques and instrument development; (4) and data analysis techniques. Please use descriptive paragraphs.

You can use these questions as a guideline to write the method: 1) Is the design suitable for answering the question posed? 2) Is there sufficient information present for you to replicate the research? 3) Does the article identify the procedures followed? 4) Are these ordered in a meaningful way? 5) If the methods are new, are they explained in detail? 6) Was the sampling appropriate? 7) Have the equipment and materials been adequately described? 8) Does it clear what type of data was recorded? 9) Have you been precise in describing measurements?

It is important to note that you do not need to use too many formulas or tables unless it is absolutely necessary to be displayed.

Results

Analysis of Consumer Protection Theory

According to Barkatullah (2019), consumer protection encompasses both preventive and repressive forms of protection. Preventive protection aims to prevent potential harm through education, regulatory measures, and supervision, whereas repressive protection is implemented through dispute resolution mechanisms or the imposition of sanctions after a violation has occurred.

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is implemented through dispute resolution mechanisms or the imposition of sanctions after a violation has occurred.

These findings indicate that Bandung Kidul District has implemented preventive protection as conceptualized by Barkatullah (2019), particularly through institutional capacity building and the enhancement of government officials' awareness regarding the importance of maintaining the confidentiality of citizens' personal data. Such initiatives are intended to prevent the misuse of personal data that could adversely affect members of the public as users of government services.

Furthermore, Mr. Guntur stated that the district government has established a graduated system of internal sanctions for employees who violate personal data protection protocols (Guntur, personal communication). These sanctions range from administrative warnings to termination of employment for serious violations. This policy reflects the implementation of repressive protection, which aims to create a deterrent effect while ensuring the accountability of public officials in performing their duties.

From the perspective of the due care theory, this policy demonstrates that the district government requires every public official to exercise due diligence in managing citizens' personal data (Spinello, 2020). Nevertheless, the interview findings also reveal that the implementation of digital public services has not yet achieved optimal effectiveness. Mr. Guntur acknowledged that the district continues to face challenges related to limited technological infrastructure and insufficient financial resources (Guntur, personal communication). These limitations have the potential to reduce the effectiveness of protecting citizens' rights within digital public service delivery.

The findings further indicate that personal data protection can no longer be separated from the broader concept of consumer protection. Citizens, as users of public services, possess the right to secure protection of the personal information they entrust to government institutions. In this context, personal data constitute an essential component of consumer rights that must be safeguarded by public service providers (Rosadi, 2018).

Mr. Naufal's statement regarding the provision of clear information to the public prior to the collection of personal data demonstrates respect for consumers' right to receive accurate and transparent information (Naufal, personal communication). This practice is consistent with the development of modern consumer protection, which extends beyond the protection of goods and services to include the protection of consumers' personal data in the digital environment (Suhariyanto, 2013).

Furthermore, the implementation of a data breach incident reporting procedure requiring notification within less than 72 hours demonstrates the responsibility of public service providers to protect citizens' rights. This practice reflects a paradigm shift from the principle of caveat emptor toward the due care theory, under which service providers bear an active responsibility to ensure the security and protection of the personal data under their control.

Analysis of Personal Data Protection Theory and Local Policy

Personal data protection theory emphasizes that the management of personal data should be based on the principles of legality, transparency, security, accountability, and respect for the rights of data subjects. According to Badruzaman (2017), personal data

protection should adhere to the principles of collection limitation, purpose specification, use limitation, security safeguards, openness, individual participation, and accountability.

Based on an interview with Mr. Naufal, the Population and Civil Registration (Disdukcapil) Operator at Bandung Kidul District, the management of citizens' personal data is carried out in accordance with Standard Operating Procedures (SOPs) governing every stage of data processing, including data collection, storage, use, and the disposal of data that are no longer required (Naufal, personal communication).

This finding indicates that Bandung Kidul District has implemented the principles of collection limitation and purpose specification, as personal data are collected solely for specific purposes related to the provision of public services. Furthermore, the implementation of standardized operating procedures reflects the principle of accountability, since every stage of personal data management can be accounted for in accordance with the established procedures. Mr. Naufal further explained that whenever there is an indication of a personal data breach or misuse, the district administration immediately undertakes mitigation measures, including the temporary suspension of system access, reporting the incident to the relevant authorities and institutional leaders within 72 hours, and implementing technical recovery measures to restore the affected information systems (Naufal, personal communication).

These findings demonstrate the implementation of the security safeguards principle, which requires personal data to be protected against unauthorized access and the risk of data breaches. The mitigation measures adopted by the district administration are also consistent with the objectives of Law Number 27 of 2022 concerning Personal Data Protection, which requires data controllers to respond to security incidents promptly and responsibly.

With regard to transparency, Mr. Naufal explained that members of the public are informed about the purpose of data collection, the procedures for data processing, and the parties authorized to receive the data before any personal information is collected (Naufal, personal communication). This practice demonstrates the implementation of the openness principle and respect for the public's right to provide informed consent based on clear and adequate information (Rosadi, 2021).

Furthermore, Mr. Naufal stated that citizens are entitled to request access to, correction of, or deletion of their personal data in accordance with the applicable laws and regulations (Naufal, personal communication). This practice reflects the implementation of the individual participation principle, which recognizes the right of data subjects to exercise control over the use of their personal data.

Nevertheless, the interview findings also reveal several challenges in implementing personal data protection at the district level. Mr. Naufal noted that limited information technology infrastructure and the need to strengthen human resource capacity remain the primary obstacles to achieving effective personal data protection (Naufal, personal communication). These findings are consistent with Bahri's (2023) argument that the effectiveness of personal data protection is significantly influenced by the quality of human resources, technological infrastructure, and institutional commitment.

The findings indicate that Bandung Kidul District has implemented various personal data protection mechanisms through standardized operating procedures for data management, employee awareness and training programs, and mitigation procedures to

address potential data breach incidents. These practices demonstrate efforts to implement the principles of accountability and data security as mandated by Law Number 27 of 2022 concerning Personal Data Protection.

According to Rosadi (2015), personal data protection in the digital era functions not only as a legal instrument but also as a mechanism for safeguarding the fundamental human right to privacy. Consequently, every public institution responsible for managing citizens' personal data is obligated to ensure transparency, data security, and limitations on data use in accordance with the purposes for which the data were collected. The practices observed in Bandung Kidul District reflect these principles by providing citizens with clear information regarding the purpose of personal data collection before public services are delivered.

However, the limitations in technological infrastructure and human resource capacity identified by both Mr. Guntur and Mr. Naufal indicate that the implementation of personal data protection continues to face structural challenges. Bahri (2023) argues that the successful implementation of personal data protection depends largely on the quality of human resources, the availability of information technology infrastructure, and institutional commitment to the consistent enforcement of legal regulations. Therefore, the obstacles identified in this study reflect broader challenges commonly encountered by local government institutions in implementing personal data protection policies.

Discussion

Analysis of the Siyāsah Dustūriyyah Theory

From the perspective of fiqh siyāsah, Siyāsah Dustūriyyah examines the relationship between the government and society in achieving the public interest (maslahah) (Iqbal, 2014). Its fundamental principles include justice (al-'adl), trustworthiness (al-amānah), responsibility (al-mas'ūliyyah), and the protection of citizens' rights (Pulungan, 1997).

Based on an interview with Mr. Guntur, the Secretary of Bandung Kidul District, the district government has undertaken various initiatives to improve government officials' awareness of the importance of personal data protection through regular awareness programs and training activities (Guntur, personal communication). These policies reflect the implementation of the principle of al-amānah (trustworthiness), as the government seeks to preserve the public's trust in the management of the personal data entrusted to public institutions.

From the perspective of Siyāsah Dustūriyyah, citizens' personal data constitute a trust (amānah) that must be safeguarded by the government (Az-Zuhaili, 2005). Accordingly, the initiatives described by Mr. Guntur demonstrate the government's responsibility to protect citizens' rights and prevent the misuse of information that may result in harm.

Furthermore, the policy of imposing sanctions on employees who violate personal data confidentiality protocols reflects the implementation of the principle of justice (al-'adl). Within the framework of Siyāsah Dustūriyyah, any violation that has the potential to harm society should be addressed firmly in order to maintain public order and ensure the protection of citizens' rights.

Meanwhile, the interview with Mr. Naufal, the Population and Civil Registration (Disdukcapil) Operator at Bandung Kidul District, indicates that personal data are managed

in a transparent and accountable manner (Naufal, personal communication). Members of the public are informed about the purposes of data collection, their rights concerning their personal data, and the procedures for requesting corrections or deletion of their personal data. These practices reflect the principles of *amānah* (trustworthiness) and transparency, which constitute essential elements of good governance from the perspective of Islamic constitutional thought.

Moreover, personal data protection can be associated with the concept of *Maqāṣid al-Sharī'ah*, particularly the objectives of protecting human dignity (*ḥifẓ al-'ird*) and safeguarding property (*ḥifẓ al-māl*) (Auda, 2008). Personal data breaches or misuse may cause both material and non-material harm to individuals. Therefore, the personal data protection policies implemented by Bandung Kidul District represent efforts to promote public welfare (*maslahah*) and prevent harm (*mafsadah*) within society.

Nevertheless, both Mr. Guntur and Mr. Naufal acknowledged that limitations in technological infrastructure and budgetary resources remain significant obstacles (Guntur, personal communication; Naufal, personal communication). From the perspective of *Siyāsah Dustūriyyah*, these shortcomings constitute the government's responsibility to continuously improve public facilities, strengthen human resource capacity, and reinforce institutional policies so that the objective of promoting public welfare can be achieved in accordance with the principles of Islamic governance.

Within the framework of *Siyāsah Dustūriyyah*, personal data protection forms part of the state's obligation to safeguard the public interest. The government's responsibility extends beyond the provision of public services to ensuring that all information obtained from citizens is managed securely and does not cause harm to the public.

Based on the interview findings, the policies implemented by Mr. Guntur, including regular awareness programs and the imposition of sanctions for violations of data confidentiality, reflect the principle of *amānah* in Islamic governance. The concept of *amānah* requires public officials to uphold the trust placed in them by society and to exercise their authority responsibly for the benefit of the public. These findings suggest that personal data protection practices in Bandung Kidul District are consistent with the implementation of the principles of *Siyāsah Dustūriyyah*.

Furthermore, personal data protection may also be understood through the framework of *Maqāṣid al-Sharī'ah*. Personal data constitute an integral part of individual dignity and fundamental rights that must be protected. Accordingly, personal data protection policies can be regarded as an implementation of the objectives of Islamic law in preserving human dignity (*ḥifẓ al-'ird*) and protecting property (*ḥifẓ al-māl*) (Al-Shāṭibī, 2004). When the government seeks to prevent data breaches through standardized operating procedures, identity verification mechanisms, and access control systems, it fulfills its responsibility to promote public welfare (*maslahah*), which represents the primary objective of *Siyāsah Dustūriyyah*.

Conclusion

Based on the findings of this study, it can be concluded that Bandung Kidul District has made considerable efforts to implement personal data protection in digital public services through a series of systematic measures. These initiatives include the establishment of standard operating procedures (SOPs) for personal data management,

the provision of regular awareness programs and training for government personnel, the dissemination of clear information to citizens prior to the collection of personal data, and the implementation of incident response procedures in the event of a personal data breach. These measures indicate that personal data protection has begun to be recognized as an integral component of digital public service governance. In this context, the district government functions not only as a provider of administrative services but also as a public institution responsible for maintaining citizens' trust in the security of the personal information entrusted to it. Accordingly, these initiatives represent an important initial step toward aligning digital public service delivery with the requirements of Law Number 27 of 2022 concerning Personal Data Protection.

Nevertheless, this study also reveals that the implementation of personal data protection in Bandung Kidul District has not yet reached an optimal level. The principal challenges include inadequate information technology infrastructure, limited budgetary resources, and the need to enhance the capacity of personnel directly responsible for managing citizens' personal data. These findings demonstrate that the effectiveness of personal data protection depends not only on the existence of a comprehensive legal framework but also on institutional readiness, adequate technological support, and the competence of public officials. In other words, a substantial gap remains between the normative provisions of the law and their practical implementation at the local government level. Therefore, strengthening technical systems, improving human resource capacity, and ensuring sufficient financial support are essential to effectively realize the principles of data security, transparency, accountability, and the protection of data subjects' rights.

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