

Research Article

Comparative Study on the Establishment of a Personal Data Supervisory Commission between Indonesia and the United Kingdom

Alendra Nauval Mufti Rayhan*

Universitas Brawijaya, Indonesia.

Akhmad Mauladani Firmansyah

Universitas Brawijaya, Indonesia.

Karisma Anggraeni Wijaya

Universitas Brawijaya, Indonesia.

ABSTRACT: The Industrial Revolution 4.0 has transformed patterns of social interaction, shifting from conventional practices to digital forms of engagement in daily life. This transformation underscores the urgent need for supervisory institutions to safeguard personal data in the digital sphere. This paper examines the establishment of a personal data supervisory authority in Indonesia by comparing it with the United Kingdom, which has developed a well-established personal data protection authority. Employing normative legal research with a comparative and statutory approach, the study finds that the acceleration of digitalization has intensified the demand for robust data protection mechanisms. The analysis highlights the relevance of Indonesia's Personal Data Protection Law, read in light of comparative experience with the UK's regulatory authority. The findings suggest that the institutional design of Indonesia's supervisory body should be adapted to national needs while reflecting international best practices.

KEYWORDS: Comparative Law; Data Protection; Personal Data; Supervisory Commission

I. INTRODUCTION

As a modern state, Indonesia established a constitutional foundation for its Constitution on August 18, 2024. The State of Law adopted in Indonesia is described in Article 1, Paragraph (3) of its Constitution. The concept of '*rechstaat*' ensures that all government actions are based on law, with an orientation toward public welfare. According to the Gustav Radbruch Formula, the law serves justice, usefulness, and certainty.¹ Through legal authority, the State uses law for social engineering.² Klaus Schwab described Industrial Revolution 4.0, emphasizing major technological changes that integrate physical and digital aspects on a massive scale, thereby shifting societal

¹ C.S.T. Kansil, *Introduction to Indonesian Law and Governance* (Balai Pustaka 1989). [40-49].

² Rahmad Syamsuddin, *Introduction to Indonesian Law* (Prenada Media Group 2019). [12-18].

*Corresponding author, email: alendranauval59@student.ub.ac.id



Published by the Universitas Airlangga (Indonesia). © The Author(s), 2025. This is an Open Access article, distributed under the terms of the Creative Commons Attribution 4.0 International license (<https://creativecommons.org/licenses/by/4.0>).

paradigms.³ The Industrial Revolution 4.0 introduced data as a global commodity. Personal data protection is now essential for trade and human rights, as it grants individuals control over their own data. The real and virtual worlds are integrated, creating new challenges such as Human Rights in the Digital Realm. The UN Human Rights Council, through Resolution 68/167, established a Special Rapporteur on the Right to Privacy in the Digital Age.

The Indonesian Constitution ensures citizens' rights, including personal protection as per Article 28G (1). Article 28G paragraph (1) is embodied in the security of personal protection in the digital realm in Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). The management of the personal data of the Indonesian people is one step ahead of the previous phase. Citizens' Constitutional Rights become safer in the realm of privacy and digital by regulating personal data protection. The PDP Law has a check and balance mechanism for managing people's personal data. Article 58, Paragraph (1) of the PDP Law explains that the Government has an important role in protecting personal data in accordance with the attribution of the Law. In its essence, the PDP Law promotes legal certainty and safeguards rights to privacy and data. The PDP Law establishes a check-and-balance mechanism and assigns government roles to protect personal data, but has yet to form a supervisory institution as mandated by Article 59. In this context, a comparative study focusing on the establishment of a personal data supervisory commission is crucial for understanding the approaches used by Indonesia and the United Kingdom, as well as for identifying the most suitable institutional model for Indonesia.

The urgency of this comparison lies in the differing maturity of regulatory ecosystems. The United Kingdom, through its Data Protection Act 2018 and alignment with the UK General Data Protection Regulation (UK GDPR), has long established the Information Commissioner's Office (ICO)—a fully independent supervisory authority with investigatory, corrective, and advisory powers. This institution not only enforces

³ Finsenzo Frano Savsavubun and Barnabas Ohoiwutun, 'The Industrial Revolution 4.0 According to Klaus Schwab: Its Impact and Challenges for Human Life Today' (2023), 2 *Journal of the Partner Series*. [139-140].

data protection standards but also provides transparency, accountability, and public trust. In contrast, Indonesia's PDP Law recognizes the necessity of an independent supervisory body but has yet to operationalize it. The absence of such an institution raises questions regarding the effectiveness of enforcement, the degree of independence from political intervention, and the protection of citizens' digital rights.

Moreover, from a theoretical perspective, the establishment of a data protection commission embodies the principles of good governance and checks and balances within a constitutional democracy. The institution acts as an intermediary between the state and citizens, ensuring that the collection and use of personal data adhere to principles of legality, necessity, and proportionality. The Indonesian context, characterized by overlapping bureaucratic structures and limited digital literacy, presents unique institutional and sociological challenges compared to the United Kingdom, where the data protection framework has evolved over decades alongside strong civil society oversight.

Therefore, this comparative study aims not only to analyze the normative and institutional design of personal data supervisory bodies in both jurisdictions but also to draw lessons for Indonesia's future development. By comparing legal frameworks, institutional independence, enforcement mechanisms, and accountability models, this study contributes to the broader discourse on digital rights and constitutionalism in the information age. The findings are expected to guide policymakers in designing a personal data supervisory commission that is effective, transparent, and responsive to the challenges of the digital society.

II. RESEARCH METHODS

This research employs a comparative⁴ and a statutory approach⁵ collecting legal

⁴ Peter Mahmud Marzuk, *Legal Research* (Kencana Prenada Media Group 2017).[173], the *Comparative approach* is an approach that compares the laws of one country with another at the same time or at different times historically. The Law here is not limited to legislation but also includes the jurisprudence of judges and doctrines adopted in a legal system. See Peter Mahmud Marzuki, *Legal Research* (Kencana Prenada Media Group 2017).[173].

⁵ According to Peter Mahmud Marzuki, "*Op.Cit*", p. 136–137, the *Statute approach* is an approach that uses legislation and regulations in the form of a written regulation as defined related to laws and regulations in Law No. 12 of 2011, Article 1, number 2, as a perspective in interpreting a problem. Ibid. [173]

materials through literature studies. The study contrasts the establishment of a personal data supervisory commission in Indonesia with the supervisory commission model in the UK. By comparing Indonesia's PDP Law and related regulations with the UK's General Data Protection Regulation, and then analyzing relevant secondary sources, the study seeks to identify the most appropriate commission or institutional form for personal data supervision in Indonesia. The primary objective is to refine comparative insights and recommend a suitable agency model for Indonesia.

III. The Development of Human Rights in the Digital Realm in Indonesia

Human rights are fundamental and must be protected by the State. In Indonesia, human rights are shaped by Pancasila, the nation's core legal ideal and the source of all law, as mandated by Article 2 of Law Number 12 of 2011.⁶ All legal products must reflect the values in Pancasila: divinity, humanity, unity, democracy, and social justice.⁷ The second precept of Pancasila introduces human rights through humanism. The 1945 Constitution dedicates a chapter to these rights, developed after detailed debate among Indonesia's founders. The inclusion of human rights led to the establishment of the National Human Rights Commission in 1993 and was further strengthened by Law Number 39 of 1999 on Human Rights.⁸

The spirit of including Human Rights in the Indonesian Constitution was also continued with the establishment of the National Human Rights Commission on June 7, 1993, through Presidential Decree Number 50 of 1993. It does not stop there; the strengthening of human rights in Indonesia was also continued with the promulgation of

⁶ Anhar Gonggong, etc. *History of Human Rights Thought in Indonesia*. (National Historical Inventory and Documentation Project 1995). [2]

⁷ Pancasila Lecturer Team of the Central MPK Universitas Brawijaya, *Pancasila in Discourse: History, Middle Path, and Philosophy of the Nation*, (Ifada Publishing 2017). [142]

⁸ The debate between the Soekarno-Soepomo camp and Mohammad Hatta-Yamin about including Human Rights in the 1945 Constitution occurred on July 15, 1945. Soekarno-Soepomo argued that Indonesian society is more suitable for using the concept of the family state (integralist). Human Rights values will only make Indonesian society liberal and individualistic. Mohammad Hatta-Yamin explained that the inclusion of human rights in the Constitution is used so that the Indonesian State does not *become a Machtstaat*. The debate led to a compromise that included human rights in the body of the 1945 Constitution. Human Rights Enforcement Support Bureau, *Performance Accountability Report* (National Human Rights Commission 2015). [2-3].

Law Number 39 of 1999 concerning Human Rights.

As a duty bearer of citizens' rights, the State plays a crucial role in promoting community welfare. The development of science and technology, which alters the pattern of community interaction, puts pressure on the Government to assess the latest challenges as a preventive measure to address social developments and changes. One of them is the change in the pattern of public interaction after the pandemic, which shifted from a face-to-face pattern to a swift flow of information and communication, and is not limited to the concept of space and time, namely, online. In line with the development of society, the *modus operandi* of crimes that occur has also increased. One of the well-known cases related to cyberspace is the personal data leak case.⁹ During the 2019-2022 period, the Ministry of Communication and Information Technology reported 77 cases of data breaches.¹⁰ The State Cyber and Cryptography Commission also submitted a note that was directly proportional to the Ministry of Information and Communication's statement. BSSN stated that in 2022, there were 370.02 million cyber-attacks in Indonesia, an increase of 38.72% compared to 2021.¹¹

The increase in digital cases in recent years is sufficient to indicate that the constitutional rights of Indonesian citizens, as stipulated in Article 28G paragraph (1), guarantee that everyone has the right to be protected by personal property rights. Personal Property Rights also include the ownership of data relating to personal information that has been misused by the government or others. Responding to this urgency, the Government of Indonesia promulgated Law Number 27 of 2022 concerning Personal Data Protection (PDP Law), which takes effect on October 17, 2024, as a measure to enhance personal data protection and increase the effectiveness of laws and regulations in

⁹ CNN Indonesia, '10 Data Leak Cases 2022: Bjorka Dominant, Crowded Protests' (cnnindonesia.com, 2022) <<https://www.cnnindonesia.com/teknologi/20221230125430-192-894094/10-kasus-kebocoran-data-2022-bjorka-dominan-ramai-ramai-bantah>>, accessed on 14-03-2025.

¹⁰ Sayyidah Nafisah, Ayon Diniyanto, 'The Independence of Personal Data Protection Institutions in Indonesia' (2024) 4 Manabisa Journal. [2]

¹¹ BPPTIK, 'Types of Cyber Attacks in the Digital Era' (bpptik.kominfo.go.id 2022), <<https://bpptik.kominfo.go.id/Publikasi/detail/jenis-jenis-serangan-siber-di-era-digital#:~:text=Data%20statistik%20dari%20badani%20Siber,meningkat%20sebesar%2038%2C72%25.>>>, accessed on 10-03-2025.

this field.¹² The regulation was born as a form of protection and fulfillment of the State of the constitutional rights of citizens, especially in Article 28G Paragraph (1) which states that “Everyone *has the right to personal protection, family, and honor.....*”, and Article 28H Paragraph (4) namely “*Everyone has the right to have personal property rights and must not be arbitrarily taken over by anyone*”.¹³ Therefore, the PDP Law was born as a means for the State to achieve the best possible life, as Aristotle aspired to.¹⁴ The best possible life, as aspired to by Aristotle, requires the existence of collective wisdom called the State, which forms laws to guide the nation.¹⁵ In terms of norms, the PDP Law covers several aspects of protection, including:

1. In terms of territory, the protection area of the PDP Law covers not only the jurisdiction of the Republic of Indonesia but also those outside it. Legal subjects outside the Republic of Indonesia are outside the jurisdiction.
2. In terms of processes and arrangements, the scope encompasses the processing of personal data, the rights of data owners, the obligations of controllers and processors in processing personal data, supervisory institutions, and dispute resolution. The PDP Law provides principles for protecting personal data.

The operation of the personal data protection is explained in general in Article 16 of the PDP Law. The protection referred to by the PDP Law encompasses everything from data acquisition to deletion or destruction mechanisms. In this mechanism, there are stages regulated in Article 34 that require the controller of personal data to provide value in processing personal data with high potential. Some obligations regulated by the PDP Law provide urgency in the due process of Law and checks and balances between personal data subjects, controllers, and personal data processors. To ensure due process of law and checks and balances, the PDP Law mandates the establishment of a Personal

¹² Considerations of Law Number 27 of 2022 concerning Personal Data Protection (Statute Book of the Republic of Indonesia Number 196 of 2022).

¹³ Constitution of the Republic of Indonesia in 1945

¹⁴ Zulkarnain Ridlwan, ‘The Indonesian Legal State Reverses *the Nachtwachterstaat*’ (2012), 5 Fiat Justicia Journal of Legal Sciences.[141].

¹⁵ Sabine, in Jimly Asshiddiqie, *HTN and the Pillars of Democracy* (Constitution Press, 2006). [147].

Data Supervisory Institution, as outlined in Article 58 of the PDP Law.

IV. PERSONAL DATA CONTROLLER ARRANGEMENTS BETWEEN INDONESIA AND THE UK

Indonesia regulates regulations related to the supervision of personal data in the PDP Law as a means of protecting citizens' constitutional rights. To effectively achieve the purpose of enacting laws related to the protection of personal data, as desired by the State, matters related to the effectiveness of the Law are necessary, which must be addressed by law-making institutions to support the achievement of the objectives of enacting a law or regulation. According to Roscoe Pound, the effectiveness of Law has three main scopes or dimensions, namely (1). Law is a tool for regulating and administering society (2). Balanced with fulfilling the needs or interests of the community; (3). There is supervision to maintain and continue human civilization.¹⁶

In the scope of the first personal data protection regulation, the Law was born to regulate and manage the community's rights and provide legal protection for the personal data of every person as a manifestation of the enforcement of constitutional rights. Furthermore, in the second scope, personal data protection is a form of fulfilling the needs and interests of the community as mandated in the 1945 Constitution of the Republic of Indonesia Article 28G Paragraph (1) and 28H Paragraph (4), and is a form of the State in facing the challenges of changing times after being hit by Covid-19. In the third scope, namely supervision to maintain and continue civilization through Law, Roscoe Pound hinted that a supervising institution is needed to implement the Law. Therefore, the PDP Law hints in Article 48 and Article 58 Paragraph (2) that it is necessary to establish an institution that acts as a Personal Data Controller in the form of a legal commission to fulfill the obligations and duties of implementing personal data protection.

Since its ratification in 2022, the government, particularly the Ministry of Communication and Digital, has not established an institution as a tool for monitoring and fulfilling citizens' rights to protect personal data. However, there is a dilemma from

¹⁶ Lily Rasjid, *The Basics of Legal Philosophy* (Citra Aditya 1990).[80].

the establishment of state institutions because such surveillance can also be one of the intelligence ways for the State to collect information to carry out reckless practices against citizens to perpetuate power, such as the use of data as a tool for vote politics, illegal profiteering of political party members, and others. This can be proven in the 2024 election, 20,565 personal data were recorded without the permission of the party concerned, and entered into the Political Party Information System (SIPOL) owned by the General Election Commission (KPU), which is used by political parties to conduct factual verification of political parties in order to participate in the 2024 election contest.¹⁷ This indicates that, in addition to the need for a truly accountable and professional supervisory institution, it must also be accompanied by the independence of the supervisory Institution in order to ensure protection as mandated in the PDP Law. Suppose Indonesia can emulate a country that has a personal data control institution with accountable, professional, and independent characteristics in carrying out personal data surveillance tasks. In that case, Indonesia can emulate a country that is one of the pilot countries in the world in conducting personal data supervision.

The UK has become a pilot country for personal data protection because it can exert extraordinary influence by encouraging the implementation of Information systems in a structured manner. The organizers must comply with the EU GDPR, ensure consent is received from the data subject, and reduce the possibility of Personal Data breaches.¹⁸ This can serve as a basis for Indonesia's consideration of implementing the same system and supervisory institutions as those in the United Kingdom. Indeed, the United Kingdom is not the first country to impose personal data protection; it was enacted in 1984. The first country to enforce personal data protection was the State of Hessen in Germany in 1970, followed by Sweden in 1973, the United States in 1974, and the United Kingdom

¹⁷ detikSulsel, 'Bawaslu Reveals 20,565 Personal Data of Citizens Profited by Political Parties Ahead of the 2024 Elections', (detik.com, 2022), <<https://www.detik.com/sulsel/berita/d-6464520/bawaslu-ungkap-20-565-data-pribadi-warga-dicatut-parpol-jelang-pemilu-2024>>, Accessed on 19-03-2024.

¹⁸ M. Nu'man Arif, Wiwin Ariesta and Ahmad Sukron, '*A Comparative Study of the Legal Protection of Personal Data of the European Union and Indonesia in the Principle of The Right to Be Forgotten According to Article 26 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions*' (2024) 6 Yuriyaya Journal of Legal Science.[168].

in 1984.¹⁹ Although it is not the first country, the United Kingdom is a pioneer and one of the countries with reasonable regulations and supervision institutions in personal data protection. The United Kingdom, in supervising personal data, also has an institution that carries out the duties and functions of personal data supervision regulated in the United Kingdom General Data Protection (UK GDPR) Chapter VI concerning The Commissioner, article 51, with the name of the institution Information Commissioner's Office (The Commissioner), then changed in the amendment to The Commissioner.²⁰ The form of a UK-owned personal data surveillance agency is an independent commission that is far from being interfered with by power. This can be seen in Article 52 of the UK GDPR, which in Paragraph (1) states, *"In carrying out his duties and authorities, the commissioner shall act independently in accordance with this regulation."* Independent, in accordance with this regulation referred to in Paragraph (1), is explained in the following Paragraph, namely in Paragraph (2), that *"The Commissioner, in carrying out his duties and authorities, must be independent of external influences, either direct or indirect, and must not ask or receive instructions from anywhere."*

This mandates that the independent in question is structurally independent. According to Jimly Asshiddiqie, structural Independence, or institutional independence, refers to an institution's independence reflected in its external relations with other institutions.²¹ This reflection is evident in The Commissioner, who, in carrying out his duties and exercising his authorities, must be free from external influences and not accept instructions from the government or specific groups. This can then answer the needs of the PDP Law in supervisory institutions with independent characteristics. Furthermore, as an institution, the Commissioner, the UK GDPR supervision and enforcement agency, is structured in the form of a commission. This is hinted at by the Institution's name, namely the Information Commissioner's Office (The Commissioner), which later changed to The Commissioner. The Commission is a specialized state agency that typically performs a

¹⁹ Edmon Makarim, *Introduction to Telematics Law (A Compilation of Studies)*, in Radian Adi Nugraha, *Juridical Analysis of Personal Data Protection in Cloud Computing Systems Reviewed from the Law on Information and Electronic Transactions* (University of Indonesia 2012).[50].

²⁰ United Kingdom General Data Protection Regulation

²¹ Jimly Asshiddiqie, *Principles of Indonesian Constitutional Law* (PT. Bhuna Ilmu 2008).[879].

mixed function due to the increasingly complex nature of state tasks and their derivatives from government tasks, which require sufficient independence to carry them out. Additionally, efforts are underway to strengthen the tasks of existing state institutions by forming new, more specialized ones.²² In general, commission-like institutions in Indonesia are established through Presidential Regulations, such as the National Commission for Human Rights, the National Commission for the Protection of Women and Children, and other National Commissions. In determining the form of the personal data protection supervisory institution, it is necessary to consider the mandate of the PDP Law in establishing a personal data supervisory institution. Article 58 Paragraph (2) states that *“The implementation of Personal Data Protection as intended in paragraph (1) is carried out by the institution.”* In Article 58 paragraph (3), it states that *“the institution as intended in paragraph (2) is determined by the President,”* and in Article 58 paragraph (5) it states that *“further provisions regarding institutions as intended in paragraph (2) are regulated by Presidential Regulation.”* The Article explains that the institution responsible for personal data protection is determined by a Presidential Regulation. Therefore, it is very appropriate to adopt the British Personal Data Surveillance Commission, namely The Commissioner, both in terms of its characteristics and form.

Indonesia’s desire to establish an accountable and professional supervisory institution must also align with the British-owned Institution of the Commissioner, ensuring a level of conformity that can be achieved with the ideals of law enforcement, namely justice, effectiveness, and certainty. In terms of accountability characteristics, it has been achieved through the independence characteristics of the Commissioner in article 52 Paragraph (2) of the previous UK GDPR, namely that the personal data protection commission must be free from intervention or external influences, either directly or indirectly, and not receive orders or instructions from anywhere. This is a form of accountability from the personal data supervisory institution, ensuring that, in carrying out its duties, the human rights that gave rise to the regulation can be effectively enforced. Furthermore, the professional

²² Hendra Nurtjahjo, ‘Independent State Auxiliary Agencies, Commissions, and Commissions in Indonesia: A Review of Constitutional Law’ (2005) 35 Journal of Law and Development.[280].

principle in the UK GDPR emphasizes that in article 52 Paragraph (3) it states “*The Commissioner must refrain from actions that are not in accordance with the commission’s duties and during his tenure, he is not allowed to serve in other jobs, whether it is profitable or unprofitable.*” .

This emphasizes the need for professionalism when serving on the Personal Data Protection Commission. Members of the personal data protection commission are prohibited from serving in other agencies (double-hatting) and must refrain from activities that are prohibited in the implementation of personal data protection supervision. Therefore, the Commissioner, a personal data protection supervisory institution, is typically in accordance with Indonesia’s needs in enforcing and implementing personal data protection supervision. It can also be seen that the Commissioner is an institution in the form of a commission, which aligns with the mandate of the PDP Law, Article 58, where the Institution is formed through Government Regulations. The Commission is a form of Institution that has the characteristics of being formed through government regulations. Through this, there are similarities between Indonesia’s needs and the answers from the Commissioner in the UK GDPR. For this reason, it is necessary to establish a personal data supervision commission in Indonesia, with a mandate derived from the PDP Law, similar to the one in the UK.

V. FORMULATION OF THE PERSONAL DATA SUPERVISORY COMMISSION IN INDONESIA

The formulation of the Personal Data Supervisory Commission is becoming increasingly urgent as the need for personal data protection in the digital era increases. In the management of personal data and the institutional mechanism of the PDP Law, which does not reflect the principle of checks and balances, it is influenced by the low level of public awareness of their rights and obligations; this is one of the factors behind the importance of the formulation of the personal data Supervisory Commission. Many individuals in Indonesia do not fully understand how their data is collected, used, and

protected by various entities, both the Government and the private sector.²³ This low awareness has become a loophole for various data misuse practices, such as data exploitation by irresponsible parties, information leakage, and identity theft. The low digital literacy of the Indonesian people, particularly in aspects of security and personal data protection, is evident in the high number of data theft cases that occur through phishing scams, online fraud, or data misuse by applications that lack transparency in managing user information.²⁴ This lack of understanding is exacerbated by the low level of compliance of electronic system operators in implementing adequate personal data protection standards. In response to this problem, not only is the proposal for the form of a Personal Data Supervisory Commission a novelty from the author, but it also requires the formulation of the substance of the norms in the PDP Law by strengthening the role and function of institutions in the form of commissions to increase public awareness. This formulation includes strengthening regulations governing the management of personal data. Although the PDP Law has been passed, it still faces various challenges regarding its implementation and oversight. One of the crucial challenges is the weak coordination between various institutions that have the authority to protect personal data. Therefore, the Personal Data Supervisory Commission must have a strong and independent institutional structure to carry out its duties optimally.

The expansion of the Personal Data Supervisory Commission's role can be achieved by collaborating with parties that also have databases, thereby supporting the completeness of the infrastructure for personal data protection services and the forms of database protection owned by related parties. This is a form of guarantee of rights regarding protection, territorial scope, and processing. Many technology companies and online service providers have a significant role in managing user data; therefore, this Commission must ensure that they apply high security standards to protect consumers'

²³ Kadek Rima Anggen Suari and I Made Sarjana, 'Maintaining Privacy in the Digital Era: Personal Data Protection in Indonesia' (2023) 6 Journal of Legal Analysis. [133]

²⁴ CNN Indonesia, '3 Reasons for the High Cases of Data Leakage of Expert Words' (cnnindonesia.com, 2024) <<https://www.cnnindonesia.com/teknologi/20240830112105-192-1139319/3-sebab-tingginya-kasus-kebocoran-data-di-indonesia-kata-pakar>>, visited on 18-03-2025.

personal data.²⁵ One form of cooperation that can be applied requires companies to undergo regular compliance audits and implement technology-based data protection mechanisms, such as encryption and data anonymization. Increasing public awareness of digital literacy is also necessary to support the implementation of personal data protection, ensuring that regulations from the Personal Data Supervisory Commission can be effectively enforced and that awareness and compliance with personal data protection are increased. Thus, establishing the Personal Data Supervisory Commission will strengthen regulations and law enforcement, contributing to the development of a privacy-conscious culture in Indonesian society.²⁶

In developing the institutional framework of the Personal Data Supervisory Commission in Indonesia, it is essential to consider the models implemented in various countries, one of which is the United Kingdom through the Information Commissioner's Office (the Commissioner). The Commissioner is an independent commission with broad authority to oversee compliance with the United Kingdom General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.²⁷ One of the fundamental differences between the mechanisms in the United Kingdom and Indonesia is the institutional independence and scope of authority. The Commissioner not only functions as a regulator, but also has investigative capacity and the authority to impose administrative sanctions directly. Meanwhile, the Personal Data Supervisory Commission in Indonesia, which is regulated by the PDP Law, remains under the Ministry of Communication and Digital (Komdigi), raising concerns about its independence in enforcing the rules without government intervention. Therefore, this institutional formulation must consider the possibility of strengthening the Commission's position to be more independent, as is the case with the Commissioner in the United Kingdom, so that it can carry out the functions

²⁵ Affan Rabbani and Fatma Ulfatun Najicha Fund, *The Influence of Technological Development on Indonesian People's Life and Social Interaction*, (Universitas Sebelas Maret 2023). [8-9].

²⁶ Loso Judijanto, et al, 'The Effectiveness of Personal Data Protection Policies in Safeguarding Human Rights in the Technological Era in Indonesia' (2024) 3 *Sanskara Law and Human Rights*. [38-39].

²⁷ Fanisa Mayda Ayiliani and Elfia Farida, 'The Urgency of the Establishment of a Personal Data Supervisory Institution as an Effort to Protect the Law on Cross-Border Personal Data Transfers' (2024) 6 *Indonesian Journal of Legal Development*.

of supervision, law enforcement, and sanctions more effectively and transparently.

The adoption of the United Kingdom's Information Commissioner, a model for the Personal Data Supervisory Commission in Indonesia, can be one of the models for formulating the Personal Data Supervisory Commission. The Commissioner has long been an independent body with full authority to oversee, enforce, and provide guidelines on personal data protection in the United Kingdom. The Commissioner's success in implementing the General Data Protection Regulation (GDPR) can serve as a reference for Indonesia in developing a more effective surveillance system. Some aspects that can be adopted from The Commissioner include institutional independence, transparency in supervision, and the imposition of strict sanctions for those who violate data protection rules.²⁸ Its proactive approach in raising public awareness of personal data protection by conducting educational campaigns, issuing compliance guidelines for companies, and providing responsive complaint services to the public is an adoptable role for the PDP Commission in Indonesia. By adopting a similar approach, the Personal Data Supervisory Commission in Indonesia can strengthen its educational role and build public trust in the data protection system implemented by the Government. In addition, the risk-based supervision model applied by the Commissioner can also serve as an inspiration for Indonesia in developing regulations that are more adaptable to technological developments and cyber threats. Furthermore, adopting the Commissioner's system in Indonesia must also consider local factors, such as different social, economic, and digital infrastructure conditions. Therefore, the Indonesian Personal Data Supervisory Commission should emulate the Commissioner and adapt its policies to meet domestic needs. This is illustrated in the table below.

²⁸ Farah Naurah Khansa, 'Strengthening the Law and the Urgency of Independent Supervisory Authorities in Personal Data Protection in Indonesia' (2021) 2 Lex Generalis Law Journal.[650-653].

Table 3.1

Adjustment of the PDP Commission with *The Commissioner*

	Types of Considerations	<i>The Commissioner</i>	PDP Commission
1.	Properties or Characteristics	Accountable, Professional and Independent	Accountable, Professional and Independent
2.	Mechanisms with third parties	Subject all related parties who have access to the database to comply with and follow the rules of the game determined by the Commissioner.	Collaborating with parties who have databases to support the completeness of the infrastructure of personal data protection services, and a form of database protection owned by related parties, as a form of strengthening protection, combined with periodic compliance audits.
3.	Offender Accountability System	In accountability, an extensive fine system is applied for violators.	In transition, accountability is enforced with a combination of education, warnings, and progressive sanctions. In a state of established Law, accountability is strictly enforced, with sanctions including fines and criminal penalties.
4.	Institutional Accountability	Accountable directly to parliament	First, Responsible directly to the President as chief executive; or Second, it is accountable to the people through a strong independence mechanism, for example, by reporting to parliament or being autonomous. ²⁹
5.	Funding Scheme	Operational budget through the State.	Operational budget through the state/state budget.

²⁹ CNNIndonesia, 'Experts on the Value of PDP Authority Effective If Independent, Not Under Kominfo' (cnnindonesia.com, 2022) <<https://www.cnnindonesia.com/teknologi/20220523123737-185-800052/pakar-nilai-otoritas-pdp-efektif-jika-independen-tak-di-bawah-kominfo>>, visited on 18-03-2025.

6.	Institutional Structure	Independent in the sense of being directly accountable to the British parliament. (separate from government)	Independent in the sense of being directly responsible to the President without any order except through regulatory regulations. (separate from government)
7.	Dispute Resolution Mechanism	The authority to handle disputes without going through the judicial process.	The PDP Commission plays the role of investigator, and the court or other dispute resolution institution becomes the deciding institution, as a mechanism for due process of Law and checks and balances.

Through the adjustment table above, the author will focus on novelty in formulating PDP Commission by directing it to strengthen independence, both in administrative and functional aspects, to carry out its role more effectively. One approach that can be applied is a dual accountability scheme, where the PDP Commission remains linked to the executive for policy coordination but is accountable to parliament for oversight and transparency. This model can balance the government's need to manage public data with the protection of individual rights more optimally. Thus, the formulation of the PDP Commission not only adapts to international practices, such as the Commissioner in the United Kingdom, but also introduces new mechanisms that align with the Indonesian constitutional system.

The effectiveness of a supervisory body depends not only on its legal foundation but also on its operational autonomy, budgetary independence, and professional capacity. The United Kingdom's Information Commissioner's Office provides a relevant example of how institutional design and functional independence are harmonized through explicit legal guarantees, transparent appointment processes, and parliamentary oversight. Indonesia's future Personal Data Supervisory Commission should adopt similar principles while considering local administrative structures and the socio-political context that shape its implementation.

Moreover, public trust is an indispensable element in ensuring the success of personal data governance. Without a credible and transparent supervisory authority, citizens may remain skeptical about the state's ability to protect their privacy rights, especially amid

recurring incidents of data breaches and unauthorized data sharing by both public and private entities. Hence, the institutionalization of a Personal Data Supervisory Commission should also integrate public participation mechanisms, accessible complaint procedures, and regular publication of performance reports to enhance accountability and legitimacy.

In the context of comparative law, the study underscores the importance of functional equivalence rather than formal replication. Indonesia does not necessarily need to copy the UK's institutional framework in its entirety but can adapt its core values—such as independence, proportionality, and responsiveness—to its own constitutional and administrative ecosystem. The ultimate objective is to create a system that balances state interests, individual rights, and technological progress within a rule-of-law framework.

To carry out the scheme, it is necessary to revise the PDP Law by adding several elements in the PDP Law, especially in the chapter of the Personal Data Supervisory Commission in several articles, including:

- a. Changing the accountability in Article 58 paragraph (3) to accountability to the public with the existence of a mandatory audit mechanism and the issuance of annual reports;
- b. Inserting Article 60A regarding the composition of the Personal Data Supervisory Commission institution, which explains the composition of the Personal Data Supervisory Commission, the status of KPDP officials, and the way KPDP works;
- c. Adding a new chapter after Chapter IX of the Institution, so that Chapter X reads the Chairman of the Personal Data Supervisory Commission, which regulates the terms and mechanisms for the election of the Chairman of the Personal Data Supervisory Commission;
- d. Adding a new article in Chapter X concerning the Chairman of the Supervisory Commission regarding the requirements of a Chairman of the Personal Data Supervisory Commission with the meaning of competence in the field of information technology and its selection mechanism.

VI. CONCLUSION

The development of human rights in the digital realm has become necessary for every human being. Changes in the pattern of community interaction due to technological developments create fundamental needs of individuals that a State must accommodate. Personal Data Protection in Indonesia has been one step ahead with the promulgation of the PDP Law. The PDP Law has established a mandate for checks and balances and due

process of Law, which is implemented through the supervisory function of the Institution in accordance with Article 58 of the PDP Law.

The Institution's regulations require a special formulation to ensure legal certainty in the processing of personal data through the due process of law. The institutions referred to in the PDP Law are those whose accountability is problematic due to the lack of transparency and accountability mechanisms in the election process and periodic performance reporting. Under the General Data Protection Regulation, the Commissioner in the United Kingdom is required to maintain the concept of structural independence in carrying out its functions and roles as a supervisor of personal data. Adopting the United Kingdom GDPR into a national legal product requires several stages and key points that need to be formulated. The results of this comparative study indicate that there is a need to include articles and chapters on public accountability and regulations related to the Personal Data Supervisory Commission.

The establishment of a Personal Data Supervisory Commission in Indonesia must be viewed not merely as a technical administrative requirement but as a constitutional and democratic necessity. Strengthening such an institution will contribute to realizing Indonesia's commitment to human rights in the digital era, ensuring that technological advancement goes hand in hand with the protection of human dignity, privacy, and justice. Through comparative reflection with the United Kingdom, Indonesia is positioned to develop a model that embodies both global standards and national identity, promoting a resilient and rights-based digital governance system.

ACKNOWLEDGMENTS

-

DISCLOSURE STATEMENT

The authors report no potential conflicts of interest.

FUNDING

No funding was received for this research.

REFERENCES

Anhar Gonggong. *History of Human Rights Thought in Indonesia*. (National Historical Inventory and Documentation Project 1995).

Human Rights Enforcement Support Bureau, *Performance Accountability Report* (National Human Rights Commission 2015).

C.S.T. Kansil, *Introduction to Indonesian Law and Governance* (Balai Pustaka 1989).

Affan Rabbani and Fatma Ulfatun Najicha Fund, *The Influence of Technological Development on Indonesian People's Life and Social Interaction*, (Sebelas March University 2023).

Edmon Makarim, *Introduction to Telematics Law (A Compilation of Studies)*, in Radian Adi Nugraha, *Juridical Analysis of Personal Data Protection in Cloud Computing Systems Reviewed from the Law on Information and Electronic Transactions* (University of Indonesia 2012).

Jimly Asshiddiqie, *HTN and the Pillars of Democracy* (Constitution Press, 2006).

Jimly Asshiddiqie, *Principles of Indonesian Constitutional Law* (PT. Bhuana Ilmu 2008).

Lily Rasjid, *The Basics of Legal Philosophy* (Citra Aditya 1990).

Peter Mahmud Marzuki, *Legal Research* (Kencana Prenada Media Group 2017).

Rahmad Syamsuddin, *Introduction to Indonesian Law* (Prenada Media Group 2019).

Pancasila Lecturer Team of the Central MPK Universitas Brawijaya, *xxdcourse: History, Middle Path, and Philosophy of the Nation*, (Ifada Publishing 2017).

Fanisa Mayda Ayiliani and Elfia Farida, 'The Urgency of the Establishment of a Personal Data Supervisory Institution as an Effort to Protect the Law on Cross-Border Personal Data Transfers' (2024) 6 Indonesian Journal of Legal Development.

Farah Naurah Khansa, 'Strengthening the Law and the Urgency of Independent Supervisory Authorities in Personal Data Protection in Indonesia' (2021) 2 Lex Generalis Law Journal.

Finsenzo Frano Savsavubun and Barnabas Ohoiwutun, 'The Industrial Revolution 4.0 According to Klaus Schwab: Its Impact and Challenges for Human Life Today' (2023) 2 Journal of the Partner Series.

Hendra Nurtjahjo, 'Independent State Auxiliary Agencies, Commissions, and

Commissions in Indonesia: A Review of Constitutional Law' (2005) 35 Number Journal of Law and Development.

Kadek Rima Anggen Suari and I Made Sarjana, 'Maintaining Privacy in the Digital Era: Personal Data Protection in Indonesia' (2023) 6 Journal of Legal Analysis.

Loso Judijanto, [*et.al.*], 'The Effectiveness of Personal Data Protection Policies in Safeguarding Human Rights in the Technological Era in Indonesia' (2024) 3 Sanskara Law and Human Rights.

M. Nu'man Arif, Wiwin Ariesta and Ahmad Sukron, 'A Comparative Study of the Legal Protection of Personal Data of the European Union and Indonesia in the Principle of The Right to Be Forgotten According to Article 26 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions' (2024) 6 Yurijaya Journal of Legal Science.

Sayyidah Nafisah, Ayon Diniyanto, 'The Independence of Personal Data Protection Institutions in Indonesia' (2024) 4 Manabia Journal.

Zulkarnain Ridlwan, 'The Indonesian Legal State Reverses *the Nachtwachterstaat*' (2012) 5 Fiat Justicia Journal of Legal Sciences.

BPPTIK, 'Types of Cyber Attacks in the Digital Era' (bpptik.kominfo.go.id 2022), <<https://bpptik.kominfo.go.id/Publikasi/detail/jenis-jenis-serangan-siber-di-era-digital#:~:text=Data%20statistik%20dari%20badani%20Siber,meningkat%20sebesar%2038%2C72%25.>>, accessed on 10-03-2025.

CNN Indonesia, '10 Data Leak Cases 2022: Bjorka Dominant, Crowded Protests' (cnnindonesia.com, 2022) <<https://www.cnnindonesia.com/teknologi/20221230125430-192-894094/10-kasus-kebocoran-data-2022-bjorka-dominan-ramai-ramai-bantah>>, accessed on 14-03-2025.

CNN Indonesia, '3 Reasons for the High Cases of Data Leakage of Expert Words' (cnnindonesia.com, 2024) <<https://www.cnnindonesia.com/teknologi/20240830112105-192-1139319/3-sebab-tingginya-kasus-kebocoran-data-di-indonesia-kata-pakar>>, visited on 18-03-2025.

CNN Indonesia, 'Experts on the Value of PDP Authority Effective If Independent, Not Under Kominfo' (cnnindonesia.com, 2022) <<https://www.cnnindonesia.com/teknologi/20220523123737-185-800052/pakar-nilai-otoritas-pdp-efektif-jika-independen-tak-di-bawah-kominfo>>, visited on 18-03-2025. DetikSulsel, 'Bawaslu Reveals 20,565 Personal Data of Citizens Profited by Political Parties Ahead of the 2024 Elections', (detik.com, 2022), <<https://www.detik.com/sulsel/berita/d-6464520/bawaslu-ungkap-20-565-data-pribadi-warga-dicatat-parpol-jelang-pemilu-2024>>, Accessed on 19-03-2024.

Constitution of the Republic of Indonesia in 1945.

United Kingdom General Data Protection Regulation.

Law Number 27 of 2022 concerning Personal Data Protection (Statute Book of the Republic of Indonesia Number 196 of 2022).

How to cite:

Alendra Naufal Mufti Rayhan, Akhmad Mauladani Firmansyah, and Karisma Anggraeni Wijaya 'Comparative Study on the Establishment of a Personal Data Supervisory Commission between Indonesia and the united Kingdom' (2025) Vol. 8 No. 3 Jurist-Diction