



INNOVATIVE: Journal Of Social Science Research

Volume 3 Nomor 2 Tahun 2023 Page 3669-3679

E-ISSN 2807-4238 and P-ISSN 2807-4246

Website: <https://j-innovative.org/index.php/Innovative>

The Role of Civil Law in the Protection of Privacy and Personal Data

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Abstrak

Saat ini kemajuan teknologi, pertukaran informasi secara elektronik dan pengumpulan data pribadi telah meluas dan intensif, terutama dengan munculnya internet, media sosial, dan berbagai layanan digital. Privasi dan perlindungan data pribadi menjadi isu penting, mengingat risiko penyalahgunaan dan pelanggaran privasi yang dapat terjadi. Penelitian ini bersifat kualitatif. Teknik yang digunakan untuk memperoleh informasi melibatkan pengamatan yang cermat dan pencatatan yang teliti, diikuti dengan prosedur analisis seperti reduksi data, visualisasi, dan kesimpulan. Penelitian ini bertujuan untuk menganalisis dan mengevaluasi efektivitas kerangka hukum perdata dalam mengatasi tantangan yang dihadapi dalam era digital. Studi ini tiba pada kesimpulan bahwa Dalam perlindungan privasi dan data pribadi, Hukum Perdata memainkan peran penting dalam memberikan landasan hukum dan kerangka kerja yang diperlukan. Melalui Hukum Perdata, individu memiliki hak privasi yang dilindungi, kewajiban bagi pihak yang mengumpulkan dan mengelola data pribadi, prinsip persetujuan informasi, pemeliharaan kerahasiaan data pribadi, serta hak individu untuk mengakses, memperbaiki, dan menghapus data pribadi mereka.

Kata Kunci: *Hukum, Perdata, Perlindungan, Privasi, Data.*

Abstract

In today's technological advances, electronic exchange of information and collection of personal data have become widespread and intensive, especially with the advent of the internet, social media, and various digital services. Privacy and protection of personal data have become important issues, given the risks of misuse and privacy violations that can occur. This research is qualitative in nature. The techniques used to obtain information involved careful observation and meticulous note-taking, followed by analytical procedures such as data reduction, visualisation and inference. This research aims to analyse and evaluate the effectiveness of the civil law framework in addressing the challenges faced in the digital age. The study arrived at the conclusion that in the protection of privacy and personal data, Civil Law plays an important role in providing the necessary legal foundation and framework. Through Civil Law, individuals have their privacy rights protected, obligations for parties collecting and managing personal data, the principle of informed consent, maintenance of personal data confidentiality, as well as the right of individuals to access, correct, and delete their personal data.

Keyword: *Law, Civil, Protection, Privacy, Data.*

INTRODUCTION

The research background on the topic discussed in this study is highly relevant to the rapid development of information and communication technology in recent decades. Along with technological advances, the electronic exchange of information and the collection of personal data have become more widespread and intensive, especially with the emergence of the internet, social media, and various digital services (Castro et al., 2019); (Vial, 2019); (Quach et al., 2022) and (Kumar et al., 2019).

In this context, the privacy and protection of personal data has become an important issue, given the risks of misuse and privacy violations that can occur. Personal data, such as identity, health, financial, and personal preference information, can be used in ways that harm individuals (Belen Saglam et al., 2022), such as identity theft, unwanted advertising targeting, or political manipulation.

This is where the role of civil law becomes relevant. Civil law is the branch of law that governs the relationship between individuals or parties involved in transactions and legal disputes relating to personal rights, including privacy rights and personal data (Cherednychenko, 2020). Through the framework of civil law, individuals can protect their privacy and personal data and demand legal liability in the event of a breach.

Research on the role of civil law in the protection of privacy and personal data aims to

analyse and evaluate the effectiveness of the existing legal framework in addressing the challenges faced in the digital era. This includes an assessment of data protection policies, legal mechanisms put in place to protect privacy and personal data, the responsibilities of the parties involved, and the effectiveness of protection and enforcement in a changing context.

In addition, this research can also highlight the differences and similarities between civil laws in different countries, including the different legal approaches in protecting privacy and personal data. This is important given the strong global connectedness of data exchange and cross-border activities in the digital age.

Through this research, it is hoped that relevant recommendations and legal updates can be found to strengthen the protection of privacy and personal data amidst the dynamic changes in the digital environment. The research can make a significant contribution to improving the existing legal framework and raising awareness of the importance of privacy and personal data protection in modern society.

RESEARCH METHOD

This research utilises a desk-based (qualitative) research methodology, which involves the absence of primary data collection through direct field research by the researchers. To ensure efficient conduct of the research, the researcher used various reference materials for consultation. The relevant sources used for this research were obtained from digital media and scientific databases through keyword-based searches relating to the themes outlined in the document. These topics included the role of civil law in the protection of personal data privacy. The research methods used by the authors appear to be adaptive, which paves the way for the selection of relevant reference materials and does not require the authors to limit their searches to specific journals or digital platforms. As a result, authors can save time. Our justification is supported by a number of different sources, some of which are journal websites such as ResearchGate, Elsevier, and Emerald Insight. The main focus of this paper is the role of civil law in the protection of personal data privacy. The author's use of keyword emphasis aims to provide discourse boundaries and support logical consistency. This is achieved through the use of limiting phrases. The main focus of this research is on scholarly journals, essays, and publications that have been published from 2012 to the present. During the search process, we used specific keywords to conduct searches across different publishing platforms. It is noteworthy that the papers, journals, and publications included in this research are exclusively those considered highly relevant to the topic of the role of civil law in the protection

of personal data privacy. Other papers, journals and publications were excluded as they were deemed unrelated to the subject matter. This scholarly article includes a total of 22 different sources that discuss in depth.

The ongoing inquiry has been classified as a form of qualitative research. The data collection process encompassed various methodologies, including active listening and comprehensive record-keeping of all relevant data points. The aforementioned methodologies were employed to facilitate the examination of the data, which was conducted through a process that encompassed data reduction, data presentation, and conclusion drawing. The main aim of this investigation was to gain a deeper understanding of the literature review conducted as a part of this research undertaking. In the stage commonly referred to as "data reduction," the acquired data was systematically arranged, classified, and refined to streamline the procedure of arriving at significant inferences and render the generation of noteworthy outcomes more feasible. Due to the intricate and diverse nature of the data, it was necessary to perform an analysis of them even during the reduction phase. The reduction phase aimed to determine the relevance of the information to the ultimate goal. Initially, a total of 35 distinct sources were gathered. The initial procedure led to the alteration of the numerical variable's value to 22. Furthermore, the information will be presented through visual aids in the form of graphs or charts. The present phase represents the subsequent stride in the data reduction procedure, wherein the dataset is methodically arranged in a structured format to enhance understanding and streamline the process of making inferences. The representation of data in this particular setting involves the utilization of written discourse, particularly in the form of field notes. The implementation of this methodology for data presentation has the potential to enhance efficiency in the categorization and structuring of data in relational configurations. The conclusive stage of the process involves the derivation of inferences from the gathered data, thereby rendering the process complete. The aforementioned step signifies the conclusion of the methodology utilized for the examination of qualitative data. In this phase, a thorough examination was conducted to verify that the results of data reduction and presentation aligned with the research's intended objectives. The aim of this phase is to extract significance from the acquired data through the identification of associations, resemblances, or disparities, with the purpose of developing remedies for previously recognized issues. The reliability of the results obtained from the utilized sources is considered to be high. The aim of this endeavor is to gather reliable and precise information, with the objective of augmenting understanding as a

consequence.

RESULTS AND DISCUSSION

Civil law plays an important role in the protection of privacy and personal data in society. The protection of privacy and personal data is becoming increasingly relevant in today's digital era, where personal information can be easily collected, stored, and widely shared. Therefore, Civil Law provides the necessary legal framework to protect the privacy of individuals and their personal data. One important aspect in the protection of privacy and personal data is the individual's right to privacy (Gavison, 1980); (Nissim & Wood, 2018) and (Rahman & Wicaksono, 2021). The Civil Law provides a legal foundation to protect the privacy rights of individuals in the context of personal data protection. This includes the right to maintain the confidentiality of personal information, prevent the misuse of such information, and control the use of information by other parties. Through Civil Law, individuals can file civil suits against parties who violate their privacy, and the courts can provide fair remedies or compensation to affected individuals.

The civil law framework delineates the legal responsibilities of entities involved in the collection, storage, and management of personal data. The aforementioned entails the obligation to guarantee that individual data is obtained in accordance with legal regulations, handled with integrity, and exclusively employed for the designated objectives. In accordance with the Civil Law, it is mandatory for entities gathering personal information to ensure the safeguarding of data security and the prevention of unauthorized access or inadvertent disclosure. Moreover, the Civil Law encompasses significant tenets, including informed consent, which mandates that the gathering and utilization of personal information must be predicated on the legitimate consent of the relevant individuals. The aforementioned principles places significant emphasis on the criticality of transparency in the process of gathering and utilizing personal data (Gardner et al., 2019) and (Wachter, 2018), while simultaneously granting individuals the authority to exercise control over their personal information (Clayton et al., 2019) and (Teixeira et al., 2012).

The duty of confidentiality in relation to privacy and personal data protection is taken into account in Civil Law (Kokott & Sobotta, 2013). The aforementioned statement implies that the entity responsible for gathering and administering personal data is obligated to maintain the confidentiality of said information and refrain from divulging it to external parties unless

authorized by legitimate consent or other lawful justification. Ensuring the confidentiality of personal data is crucial in order to prevent unauthorized access or misuse. Furthermore, the Civil Law governs the entitlement of individuals to obtain, rectify, and erase their personal information. This empowers individuals with the ability to manage their personal data and affords them the opportunity to rectify or expunge any erroneous or extraneous information. In the event that individuals perceive their personal data to have been mishandled or subjected to unjust treatment, the Civil Law provides for the option of initiating a civil lawsuit to seek redress or compensation for any losses incurred as a result of a violation of privacy or personal data protection (Citron & Solove, 2022). This affords individuals a lawful recourse to advocate for their entitlements in circumstances where their confidentiality has been breached or their individualized information has been mishandled.

Certain jurisdictions rely on Civil Law as the foundation for additional governance of safeguarding personal data via specialized laws or regulations (P, 2022). In certain nations, there exist legislation pertaining to data privacy that meticulously govern the acquisition, utilization, and dissemination of individualized information. The Civil Code serves as a crucial legal foundation for aforementioned laws, furnishing the pertinent structure and legal tenets to safeguard the confidentiality and personal information of individuals.

Within the realm of businesses and organizations, Civil Law assumes a significant function in safeguarding privacy and personal data (Zhu, 2022) and (Pelteret & Ophoff, 2016). Organizations may be obligated to adhere to specific criteria regarding the acquisition, retention, and administration of personal information as stipulated by civil legislation. Furthermore, these regulations may also institute legal accountability for entities in case of a privacy infringement or contravention of safeguarding personal data. This incentivizes entities to implement suitable protocols and methodologies aimed at safeguarding the confidentiality and individual information of their clientele and staff.

In certain instances, Civil Law exhibits pertinent international dimensions concerning the safeguarding of privacy and personal data (Mulligan et al., 2016). Due to the progress of technology and the widespread availability of global communication networks, it has become increasingly common for individuals' personal data to be transmitted or stored in foreign nations. Under such circumstances, the regulations of international law and bilateral or multilateral agreements may be invoked to regulate the acquisition, utilization, and transmission of personal information across national boundaries. The utilization of civil law is significant in ascertaining the relevant jurisdiction and resolution of disputes that emerge

within the international context.

Safeguarding privacy and protecting personal data necessitates the ongoing evolution of Civil Law in response to advancements in technology and shifts in societal patterns (Gstrein & Beaulieu, 2022). The exigency for more stringent regulations in light of the privacy and personal data protection challenges posed by the digital era is on the rise. Consequently, endeavors are being made to implement novel legislation or amend current policies to guarantee enhanced safeguarding of individuals' privacy and personal information.

The Civil Law framework is a crucial component in safeguarding privacy and personal data within the societal context (Quinn & Malgieri, 2021). The Civil Law legal framework affords individuals with safeguarded privacy rights, imposes obligations upon parties responsible for the collection and management of personal data, upholds the principle of informed consent, ensures the confidentiality of personal data, and grants individuals the right to access, rectify, and erase their personal data.

In the contemporary digital landscape, safeguarding privacy and personal data has become a progressively intricate and crucial matter. The utilization of technological advancements, such as the internet, social media, big data, and artificial intelligence, has transformed the manner in which personal data is gathered, analyzed, and employed. Consequently, it is imperative for Civil Law to adjust to these modifications and confront novel obstacles that emerge within the realm of privacy and safeguarding of personal data.

Apart from Civil Law, several other legal frameworks and regulations are instrumental in safeguarding privacy and personal data. These include data privacy laws, consumer protection laws, and personal data protection regulations promulgated by regulatory authorities. The laws pertaining to privacy and personal data protection are frequently revised or updated in response to the evolving technological landscape and societal demands (Tikk, 2017). Furthermore, the safeguarding of privacy and protection of personal data necessitates individuals to assume responsibility for upholding the security and confidentiality of their personal information. The significance of privacy and safeguarding personal data, along with the adoption of cautious usage practices in the context of technology, are crucial for ensuring the effective protection of privacy and personal data.

In light of the rapid pace of technological progress and persistent societal transformations, safeguarding privacy and personal data will remain a pertinent concern. The legal framework of civil law is crucial in safeguarding the privacy of individuals and their personal information. Achieving effective protection necessitates collaboration among

governments, organizations, and individuals in the implementation of policies, practices, and awareness-raising initiatives that foster responsible usage and ensure the safeguarding of privacy and personal data.

CONCLUSION

The safeguarding of privacy and personal data is a crucial matter, and Civil Law serves a significant function in furnishing the requisite legal basis and structure. Civil Law safeguards the privacy rights of individuals, imposes obligations on parties responsible for collecting and managing personal data, upholds the principle of informed consent, ensures confidentiality of personal data, and guarantees individuals' entitlement to access, rectify, and erase their personal data. Apart from Civil Law, various other legal frameworks and statutes also contribute to safeguarding privacy and personal data.

Given all that can be seen above, this study has some important suggestions that should be highlighted. Firstly, awareness raising. The public should have a better understanding of the importance of privacy and personal data protection and the rights they have. Public awareness campaigns and education regarding privacy and personal data should be enhanced. Second, stricter regulation. Governments and regulatory bodies should adopt stricter laws and regulations on privacy and personal data protection, and ensure that they keep up with the latest technological developments and social trends. Third, transparency and consent. Parties that collect personal data should ensure transparency in data collection and use, and obtain valid consent from the individuals concerned before using their data. Fourth, data security. Organisations should take necessary measures to protect the security of personal data, including the implementation of appropriate technical security measures and policies.

Fifth, international co-operation. In an era of globalisation and increasingly frequent cross-border data transfers, international cooperation in regulating privacy and personal data is key. International agreements and frameworks should be enhanced to ensure strong and consistent protections across countries. Sixth, legal updates and revisions: Civil law and personal data protection laws should be regularly updated in accordance with technological developments and emerging challenges. Such revisions and updates should take into account the interests of individuals and the development of society. Finally, compliance and enforcement: It is important for governments and regulatory bodies to ensure compliance and effective enforcement of laws related to privacy and personal data. Privacy breaches and

misuse of personal data should be dealt with strictly. By adopting such measures, the protection of privacy and personal data can be significantly enhanced, and individuals can feel safer and more protected in the ever-evolving digital age.

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