

**PERSONAL DATA BREACH PROTECTION, SANCTIONS, AND  
RESTITUTION: A FUNCTIONALIST COMPARATIVE STUDY OF  
PERSONAL DATA PROTECTION LAWS IN INDONESIA, GERMANY,  
AND SOUTH KOREA**

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**ABSTRACT**

Indonesia's enactment of Law No. 27 of 2022 on Personal Data Protection (UU PDP) marks an important response to the growing number of personal data breaches in the digital era. Although the law reflects international standards, particularly the European Union's General Data Protection Regulation (GDPR), significant concerns remain regarding its practical effectiveness. These concerns relate primarily to institutional protection mechanisms, the enforcement of sanctions, and the availability of restitution for data subjects.

This research adopts a normative legal research method combined with a functionalist comparative approach. Rather than focusing solely on statutory provisions, the study examines how personal data protection laws function in practice. Germany and South Korea are selected as comparative jurisdictions due to their mature and well-established data protection regimes under the GDPR/BDSG framework and the Personal Information Protection Act (PIPA). The analysis is conducted through doctrinal study, case law review, and institutional comparison.

In response to Research Question 1, this study finds that although UU PDP provides a legal basis for corporate criminal sanctions and restitution for data subjects, its implementation remains limited due to weaknesses in institutional independence and enforcement practices. In response to Research Question 2, this study concludes that Germany and South Korea offer more effective models of personal data protection, characterized by independent supervisory authorities, consistent enforcement, and stronger organizational accountability.

**Keywords: Personal Data Protection; Personal Data Breaches; Protection, Sanctions, and Restitution; Functionalist Comparative Legal Research; UU PDP; BDSG; PIPA**

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**PELINDUNGAN, SANKSI, DAN RESTITUSI PELANGGARAN DATA  
PRIBADI: STUDI PERBANDINGAN FUNGSIONALIS TENTANG  
UNDANG-UNDANG PELINDUNGAN DATA PRIBADI DI INDONESIA,  
JERMAN, DAN KOREA SELATAN**

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**INTISARI**

*Pengesahan Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi (UU PDP) merupakan langkah penting Indonesia dalam merespons meningkatnya kasus pelanggaran data pribadi di era digital. Meskipun UU PDP telah mengadopsi standar internasional, khususnya General Data Protection Regulation (GDPR) Uni Eropa, masih terdapat berbagai kekhawatiran terkait efektivitas penerapannya. Kekhawatiran tersebut terutama berkaitan dengan mekanisme perlindungan kelembagaan, penegakan sanksi, serta pemberian restitusi kepada subjek data.*

*Penelitian ini menggunakan metode penelitian hukum normatif yang dikombinasikan dengan pendekatan perbandingan fungsional. Pendekatan ini tidak hanya membandingkan ketentuan normatif, tetapi juga menelaah bagaimana hukum perlindungan data pribadi dijalankan dalam praktik. Jerman dan Korea Selatan dipilih sebagai negara pembanding karena memiliki rezim perlindungan data pribadi yang matang dan diakui secara internasional melalui kerangka GDPR/BDSG dan Personal Information Protection Act (PIPA). Analisis dilakukan melalui kajian doktrinal, telaah putusan pengadilan, dan perbandingan kelembagaan.*

*Menjawab Rumusan Masalah 1, penelitian ini menyimpulkan bahwa meskipun UU PDP telah menyediakan dasar hukum bagi penerapan sanksi pidana terhadap korporasi dan restitusi bagi subjek data, implementasinya masih menghadapi keterbatasan akibat lemahnya independensi kelembagaan dan praktik penegakan hukum. Menjawab Rumusan Masalah 2, penelitian ini menemukan bahwa Jerman dan Korea Selatan menunjukkan perlindungan data pribadi yang lebih efektif melalui keberadaan otoritas pengawas yang independen, praktik penegakan hukum yang proaktif, serta penerapan pertanggungjawaban korporasi yang lebih konsisten.*

**Kata Kunci:** *Pelindungan Data Pribadi; Pelanggaran Data Pribadi; Pelindungan, Sanksi, dan Ganti Rugi; Penelitian Hukum Komparatif Fungsionalis; UU PDP; BDSG; PIPA*

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