

The Urgency of Establishing a Supervisory Agency For the Implementation of Personal Data Protection in The Implementation of The Personal Data Protection Law

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Abstract

The rapid development of digital technology has increased the need for personal data protection in Indonesia, but has not been matched by the presence of an effective supervisory agency as mandated by Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). The problem formulation in this study is to analyze the ideal form of the position and independence of the PDP supervisory agency within the concept of an independent state institution and analyze the urgency of establishing a personal data protection supervisory agency in the context of implementing the PDP Law. This study uses a normative juridical method with a legislative approach to Articles 58–61 of the PDP Law, reinforced by scientific literature related to the design of independent state institutions. The results of the study indicate that the authority of the supervisory agency as stipulated in the PDP Law is regulatory, supervisory, investigative, and administrative sanction enforcement, thus requiring the existence of an agency that is institutionally, functionally, and organizationally independent. The increasing number of personal data leaks and the potential for conflicts of interest if the supervisory function is placed under a ministry emphasizes the urgency of establishing an independent supervisory agency. In conclusion, the PDP supervisory agency should ideally be designed as an independent state agency with full authority, and the establishment of a supervisory agency is urgent to ensure the effectiveness of the implementation of the PDP Law.

Keywords: Personal Data; Institution and Independent.

I. INTRODUCTION

Advances in digital technology over the past decade have brought about significant changes in Indonesian social life. Digital transformation has driven increased use of electronic services by both the public and private sectors, resulting in a significant increase in the collection, processing, and storage of personal data. However, this progress has not been accompanied by adequate personal data protection mechanisms. Numerous cases of data leaks and misuse demonstrate that Indonesia's data security oversight and enforcement systems are ineffective and poorly coordinated. Various data breaches demonstrate weak oversight of personal data protection. In 2021, data on 279 million BPJS Kesehatan participants was leaked, including sensitive data such as National Identity Numbers (NIK), telephone numbers, and health data, which were traded on online forums (Sorisa et al., 2024). In 2022, data on 1.3 billion SIM card registrations was allegedly leaked, including NIK, telephone numbers, and registration dates (Kompas, September 21, 2022). These cases demonstrate that personal data protection in Indonesia remains highly vulnerable and lacks an independent oversight mechanism to enforce compliance among data controllers and processors. Although Indonesia has passed Law No. 27 of 2022 concerning Personal Data Protection (hereinafter referred to as the PDP Law), this regulation still exhibits several limitations in practice, particularly in institutional aspects.

While Articles 58 to 61 of the PDP Law mandate the establishment of a personal data protection agency, it does not yet provide concrete and comprehensive guidelines regarding the institutional form, structure, compliance mechanisms for data controllers and processors, or guarantees of the supervisory agency's independence. This situation indicates that the provisions regarding personal data protection in the PDP Law are still partial and potentially lead to failure in ensuring the effective implementation of personal data protection. The most fundamental problem lies in the absence of a dedicated and independent supervisory institution or authority to guarantee the implementation of the provisions of the PDP Law (Hs et al., 2025). Yet the existence of a supervisory authority is key to the effective implementation of personal data

protection in various countries, as this institution is tasked with ensuring the fulfillment of the obligations of data controllers and processors. Independent state institutions hold a special position because they carry out their duties and functions independently without intervention from other authorities. In Indonesia, various independent state institutions have developed that carry out supervisory functions, such as the Business Competition Supervisory Commission (KPPU), the Corruption Eradication Commission (KPK), the Financial Services Authority (OJK), and the National Commission on Human Rights (Komnas HAM). This institutional model demonstrates that the practice of independent institutions is not new to the Indonesian constitutional system (Maskur et al., 2025).

The Personal Data Protection Law (PDP) regulates the establishment of a personal data protection supervisory agency, but these provisions continue to generate public debate. Articles 58 through 61 of the PDP Law do provide limited provisions regarding the duties, functions, and procedures of the supervisory agency, but they do not provide clarity regarding the specific form of the institution or guarantees of its independence. This situation has given rise to controversy because the supervisory agency is appointed by the President and is accountable to the President, potentially creating a conflict of interest if the government becomes both a data controller and a supervisor of itself (Matheus & Gunadi, 2023). Furthermore, the PDP Law also stipulates that the regulations governing the supervisory agency shall be further stipulated in a Presidential Regulation (hereinafter referred to as the Perpres). However, to date, the Perpres in question has not been established, creating legal uncertainty and prolonging the institutional regulatory vacuum. The absence of these derivative regulations has a direct impact on the dysfunctional oversight mechanisms and enforcement of administrative sanctions as mandated in the PDP Law. This situation highlights the existence of structural legal issues in the implementation of personal data protection in Indonesia. On the one hand, the Personal Data Protection Law stipulates the state's obligation to guarantee personal data protection through the establishment of a supervisory body. However, on the other hand, this provision has not been accompanied by a clear and operational institutional design, particularly regarding the supervisory body's status and independence.

This lack of clarity has the potential to weaken the law enforcement and oversight function, particularly when personal data breaches are committed by public bodies within the executive branch. The issue of the status and independence of personal data protection oversight bodies is becoming increasingly crucial given the cross-sectoral nature of personal data protection, which binds both the private and public sectors. In this context, oversight bodies are required to have adequate independence to carry out their oversight function objectively and free from interference from powerful parties. Without strong institutional independence, oversight of data controllers, particularly public bodies, has the potential to be ineffective and give rise to conflicts of interest that run counter to the principles of the rule of law and good governance. Given this reality, the establishment of an independent personal data protection agency is an urgent need for the effective implementation of the Personal Data Protection Law. Without an independent supervisory authority for the implementation of personal data protection, free from interference from powerful parties, and capable of objectively carrying out its oversight function, data subjects' rights will not be optimally protected, and the potential for data breaches will continue to increase. Therefore, a clear institutional design is crucial for the implementation of the Personal Data Protection Law to truly protect people's personal data and suppress the growing potential for digital crime. A number of previous studies tend to emphasize the urgency of establishing an institution or normative analysis of the provisions of the PDP Law, but have not comprehensively examined the position of the personal data protection supervisory institution within the framework of the concept of an independent state institution.

Therefore, this study has a novel value by examining the institutional design of the PDP supervisory institution through a constitutional law approach and the theory of an independent state institution. Based on this description, the formulation of the problem in this study is as follows: (1) What is the ideal form of the position and independence of the personal data protection supervisory institution in the concept of an independent state institution in Indonesia? (2) What is the urgency of establishing a supervisory institution for the implementation of personal data protection in the implementation of the Personal Data Protection Law?

II. METHODS

The method used in this research is normative juridical legal research through a statute approach, focusing on the provisions of Articles 58-61 of the PDP Law. This research uses secondary data covering primary, secondary, and tertiary legal materials (Solikin, 2021). Data collection techniques were carried out through literature studies by tracing and reviewing relevant laws and regulations and legal literature (Zainuddin & Dinda Karina, 2023). Data analysis was conducted qualitatively using the legal interpretation method of legal materials, particularly primary legal materials, to identify legal norm gaps, antinomies, and ambiguities (Muhaimin, 2020).

III. RESULT AND DISCUSSION

The Ideal Form of the Position and Independence of the Personal Data Protection Supervisory Agency in the Concept of an Independent State Institution

A. *Position of the PDP Supervisory Institution According to the PDP Law*

Law Number 27 of 2022 concerning Personal Data Protection normatively regulates the establishment of a personal data protection agency in Chapter IX, specifically Articles 58 to 61. Article 58 paragraph (1) states that personal data protection is organized by the government, while paragraph (2) determines that the implementation of personal data protection is carried out by an agency. Furthermore, Article 58 paragraphs (3) and (4) stipulate that the agency is formed and appointed by the President and is responsible to the President, with further provisions regulated through a Presidential Regulation as stated in paragraph (5) (Nafisah & Diniyanto, 2024). This formulation demonstrates that, in its initial normative design, the personal data protection supervisory agency was positioned as part of the executive branch and categorized as another government agency, rather than explicitly as an independent state agency. This position raises fundamental issues, given that the authority granted to the PDP supervisory agency in Articles 59 and 60 is strategic and broad, encompassing regulatory functions, monitoring compliance of data controllers and processors, enforcing administrative sanctions, and facilitating dispute resolution. The complexity of these authorities actually demands that institutions not under ministerial subordination be able to carry out their duties objectively and free from potential conflicts of interest (Santosa et al., 2025). Furthermore, the provisions of Article 58 of the Personal Data Protection Law also raise doubts about the independence of the supervisory agency.

First, the assertion that the government is fully responsible for implementing personal data protection has the potential to place the supervisory function under the control of executive power. Second, although the supervisory agency plays a key role in implementing personal data protection policies, its design, which is subordinate to the President, creates the potential for conflicts of interest, particularly when the agency must oversee ministries and state institutions that also fall within the President's purview. Third, the regulation of the agency's formation through a Presidential Regulation demonstrates a weak legal basis for the institution, as the principle of establishing an independent state institution should ideally be expressly regulated in law, not through subordinate regulations. As previously explained, this law does not explicitly define the specific form of the personal data protection supervisory agency, other than stipulating that it be established and appointed by the President. Such a normative construction carries the risk of a lack of independence and self-sufficiency in the supervisory agency. Institutional independence is crucial for ensuring the agency can carry out its duties and authorities objectively, fairly, and free from political influence that could potentially compromise the integrity of its oversight function (Yolanda & Hutabarat, 2023). In the practical implementation of the Personal Data Protection Law during the 2024 transition period, the government even placed the function of the personal data protection supervisory agency temporarily under the authority of the Ministry of Communication and Digital, with a transition period of 6–12 months before becoming a separate agency.

This placement further raises doubts about the supervisory agency's independence, as the ministry simultaneously acts as a regulator, electronic system administrator, and controller of public sector data. Therefore, both normatively and empirically, the supervisory agency's position in the implementation of personal data protection, as currently regulated and implemented, does not yet reflect the concept of an

independent supervisory agency. The position of the supervisory agency for the implementation of personal data protection, as stipulated in the PDP Law, demonstrates institutional issues, particularly related to independence and potential conflicts of interest. Therefore, to more comprehensively assess whether the design aligns with constitutional principles, further analysis is required from the perspective of the theory of independent state institutions.

B. Institutional Analysis: Independent State Institutions as an Ideal Model

Following the amendment to the 1945 Constitution of the Republic of Indonesia, the proliferation of independent state institutions (state auxiliary agencies) emerged. According to Jimly Asshiddiqie, the formation of these institutions was a response to the complexity of state administration issues that could no longer be optimally handled by the main state institutions. These institutions were established to carry out more specific supervisory, regulatory, and law enforcement functions and, ideally, should be independent from other branches of state power. In constitutional theory, the establishment of independent state institutions (auxiliary state organs) is a response to the need for oversight functions that cannot be effectively carried out by primary state institutions. Jimly Asshiddiqie explains that independent state institutions are formed when institutions are needed that are free from political and executive influence, and have the ability to carry out oversight, regulation, and law enforcement functions objectively (Tambunan et al., 2024). Independent state institutions (auxiliary state organs) are essentially established to carry out specific functions that cannot be carried out effectively by ministries. Jimly Asshiddiqie also explains that independent state institutions generally have mixed functions that are semi-legislative, semi-administrative, and even semi-judicial. This character makes independent state institutions have a strategic position in the modern constitutional system, especially in overseeing sectors that are prone to conflicts of interest and require objective oversight.

Therefore, independence is a fundamental principle to ensure the effectiveness and accountability of the implementation of these institutions' functions (Mau & Ditisrama, 2024). Indonesia has recognized various independent state institutions, including the Corruption Eradication Commission (KPK), the Financial Services Authority (KPPU), the Financial Services Authority (OJK), the General Elections Commission (KPU), and the National Human Rights Commission (Komnas HAM). These institutions are characterized primarily by their position outside of ministerial structures, regulatory and supervisory authority, and a non-hierarchical accountability mechanism to the President. Comparatively, the authority of the personal data protection supervisory authority under the PDP Law is similar, particularly to the KPPU and the OJK, as they both oversee compliance, conduct inspections and investigations, and impose administrative sanctions. Furthermore, the theory of state institution independence distinguishes independence into three dimensions: institutional independence, functional independence, and organizational independence. Institutional independence means the institution is positioned outside the three branches of state power, allowing it to operate without pressure from the entities it oversees. Functional independence ensures that the institution has the freedom to determine oversight methods, investigative strategies, and the application of sanctions. Meanwhile, organizational independence requires a leadership recruitment process free from government bureaucracy and a transparent selection mechanism (Mahardika, 2021). These three aspects of independence are crucial for PDP supervisory institutions to act objectively, particularly when overseeing ministries or public bodies that also control the public's personal data. Although Article 58 does not explicitly mention the word "independent," several normative indicators show that the lawmakers desired an independent institution.

This is evident from: (1) the institution was established directly by the President; (2) the institution has supervisory authority and administrative sanctions; (3) its functions are cross-ministerial; and (4) the institution has a regulatory function. These four indicators are usually found in independent state institutions, not in ministerial units. Therefore, doctrinally and systematically, the PDP supervisory institution is more appropriately positioned as an independent state institution. A series of major data breaches, such as the leak of BPJS Kesehatan data, the data of 105 million KPU voters, and the data of 1.3 billion SIM card registrations, demonstrate that not only the private sector but also public bodies are highly vulnerable to personal data breaches. Because public bodies are data controllers and must be supervised, PDP supervisory

bodies should not be within the structure of the ministry or agency being supervised. The independence of supervisory bodies is crucial to ensure law enforcement and government oversight without conflicts of interest. Based on a theoretical analysis of independent state institutions and the institutional practices of supervisory bodies that have developed in Indonesia, an ideal institutional design for a personal data protection supervisory body can be formulated. This ideal formulation is crucial as a synthesis of the normative provisions of the PDP Law and the principle of state institution independence within the Indonesian constitutional system.

C. The Ideal Form of a PDP Supervisory Institution

Based on a normative analysis of the Data Protection and Information Law, a study of independent state institutional theory, and the practice of supervisory institutions in Indonesia, the ideal form of a Data Protection and Information Supervisory Agency can be formulated as follows. First, in terms of position, the Data Protection and Information Supervisory Agency should ideally be an independent state institution that stands outside the Ministry's structure and is not directly subordinate to the executive branch. This position is necessary so that the Agency can supervise all data controllers, including public bodies and Ministries, without conflicts of interest. Second, in terms of authority, the Data Protection and Information Supervisory Agency carries out regulatory functions through the formulation of personal data protection policies, monitoring data controller compliance, conducting administrative inspections and investigations, imposing administrative sanctions, and facilitating out-of-court dispute resolution, as mandated in Articles 59 and 60 of the Data Protection and Information Law. These authorities must be exercised independently and not rely on the approval of the Ministry or the President for their implementation.

Third, in terms of independence, the agency must have a leadership recruitment mechanism through an independent selection committee, have a fixed term of office, receive direct funding from the State Budget (APBN), and be free to determine oversight methods and strategies without government intervention. After analyzing the ideal position and independence of a personal data protection supervisory agency from the perspective of an independent state institution, the next discussion focuses on the urgency of establishing such a supervisory agency in the implementation of the Personal Data Protection Law. This urgency relates not only to normative aspects but also to institutional, empirical, and legal system effectiveness aspects. Thus, the ideal position and independence of a personal data protection supervisory agency is as an auxiliary state organ with the authority to oversee and enforce administrative law independently, free from executive intervention, and capable of ensuring the effective implementation of the Personal Data Protection Law. This independence is a key prerequisite for achieving effective personal data protection and guaranteeing the rights of data subjects in Indonesia.

The Urgency of Establishing a Supervisory Agency for the Implementation of Personal Data Protection in the Implementation of the Personal Data Protection Law

Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) is a fundamental regulation designed to provide legal protection for the personal data of Indonesian citizens. The PDP Law signifies the state's commitment to guaranteeing the right to privacy as a constitutionally protected human right. However, despite the PDP Law's passage, its implementation still faces serious challenges, particularly the lack of an independent and effective oversight body. One of the main problems in the implementation of the Personal Data Protection Law is the absence of a supervisory body specifically tasked with overseeing data controllers and processors of personal data. Article 58 of the Personal Data Protection Law explicitly states that the establishment of a supervisory body is the responsibility of the government. This absence has created a regulatory vacuum, which has directly impacted the weak enforcement of personal data protection norms. Without a supervisory body, there is no authority with full authority to conduct active supervision, issue warnings, or impose administrative sanctions for violations of the Personal Data Protection Law. Normatively, Article 58 of the PDP Law, paragraph (1) states that the government plays a role in implementing personal data protection. Furthermore, Article 58, paragraphs (2) and (3) stipulate that the implementation of personal data protection is carried out by an institution appointed by the President. Article 58, paragraph (4), emphasizes that the institution is responsible to the President, while paragraph (5) states that further provisions regarding the supervisory institution are regulated by a Presidential Regulation.

This provision indicates that the establishment of a PDP supervisory institution is not an optional policy, but rather a normative mandate of the law. However, to date there has been no realization of the establishment of this institution, thus causing the norms of the PDP Law, especially those related to supervision and administrative law enforcement, to be unable to be implemented effectively. One of the most concrete indicators of urgency is the increasing number and scale of personal data breaches over the past few years. Major cases such as the 2021 BPJS Kesehatan data breach, the 2022 General Elections Commission (KPU) breach of 105 million Indonesian citizens, the 2022 SIM card registration data breach, and data breaches in various ministries and state institutions demonstrate that personal data breaches are not limited to the private sector but also involve public institutions. This highlights the importance of an independent personal data protection oversight body, specifically to monitor the compliance of individuals, private entities, and public bodies that utilize personal data (Panjaitan, 2025). The urgency of establishing a PDP supervisory body becomes even more apparent when analyzed using Lawrence M. Friedman's legal system theory. According to Friedman, the effectiveness of a legal system is determined by three main elements: legal substance, legal structure, and legal culture (Aziz Nasihuddin et al., 2024). These three elements must operate simultaneously and support each other for the law to function effectively in society. From a legal substance perspective, the PDP Law contains relatively comprehensive norms regarding the rights of data subjects, the obligations of data controllers and users, administrative sanction mechanisms, and criminal provisions.

Normatively, the legal substance of the PDP Law meets the minimum standards for personal data protection as established in international practice. However, the existence of sound legal substance will be meaningless if it is not supported by an adequate institutional structure. In the context of the legal structure, the absence of a PDP supervisory body indicates that structural elements within the legal system for personal data protection in Indonesia have not yet been established. Friedman emphasized that the legal structure includes institutions and officials that implement, enforce, and supervise the law. Without a supervisory body, the norms in the PDP Law are difficult to implement because there is no institution specifically mandated to conduct supervision, investigation, and administrative law enforcement. This condition reflects the difference between *das sollen* and *das sein* in the implementation of the PDP Law. This absence of an oversight structure is also reflected in weak law enforcement practices in cases of personal data leaks. Various major incidents, such as the leak of BPJS Kesehatan data, KPU voter data, and electronic government system data, have not been followed by clear and measurable enforcement mechanisms. This indicates that without a PDP supervisory body, the legal structure for personal data protection cannot function optimally. Furthermore, from a legal culture perspective, the absence of a regulatory body also hinders the development of a culture of compliance with personal data protection.

Friedman explains that legal culture is related to the attitudes, values, and awareness of the law among the public and law enforcement. Without firm oversight and consistent sanctions, data controllers and processors tend to neglect their personal data protection obligations. Furthermore, the public, as data subjects, also lacks strong trust and legal awareness due to the lack of tangible and accessible protection mechanisms. The urgency of establishing a Personal Data Protection (PDP) oversight body can also be seen in the persistent overlapping authority between state institutions. In practice, the issue of personal data protection often gives rise to disputes over authority between the Ministry of Communication and Informatics (Kominfo) and the National Cyber and Crypto Agency (BSSN), particularly in cases of data leaks in government electronic systems such as PeduliLindungi, eHAC, and systems owned by state-owned enterprises (BUMN) and other ministries. The absence of a dedicated agency with full authority results in a lack of institutional clarity regarding who is responsible for investigating, supervising, and imposing sanctions for personal data breaches. This situation further undermines the effectiveness of personal data protection, as to date, almost all major data breach cases in Indonesia have not been followed by the imposition of administrative sanctions or firm law enforcement against those responsible. This demonstrates the weak coercive power of the PDP Law due to the absence of an optimally functioning oversight body.

Article 59 of the Personal Data Protection Law specifies in detail the duties of the Personal Data Protection Supervisory Agency, which include formulating and establishing policies and strategies for personal data protection, supervising the implementation of personal data protection, enforcing administrative law for violations of the Personal Data Protection Law, and facilitating out-of-court dispute resolution. This provision positions the supervisory agency as a central actor in ensuring the compliance of data controllers and data processors, both in public and private institutions. Furthermore, Article 60 of the Personal Data Protection Law grants the PDP supervisory agency extensive authority, ranging from imposing administrative sanctions, providing assistance to law enforcement officials, international cooperation, assessing cross-border data transfers, to the authority to examine, summon, and request information from relevant parties. This breadth of authority demonstrates that the lawmakers consciously position the PDP supervisory agency as a strategic institution within the national personal data protection regime. Internationally, data protection standards place an independent supervisory authority as a fundamental element. In the European Union, the GDPR requires member states to establish an independent Data Protection Authority (DPA). Meanwhile, the United Nations, through various resolutions, also encourages countries to establish independent supervisory authorities. Without an independent institution, Indonesia will find it difficult to obtain an adequacy decision regarding cross-border data transfer cooperation, Article 60(e) of the Data Protection and Data Protection Law on international cooperation cannot be implemented, and global trust in Indonesia's data security will weaken.

Therefore, the urgency of establishing a Data Protection and Data Protection and Data Protection Agency stems from the need to meet global standards and achieve legal interoperability related to international data. Furthermore, from the perspective of protecting data subjects' rights, the absence of a supervisory body results in the lack of a clear complaint and rights redress mechanism for the public. Data subjects lack the authority to directly report violations or hold data controllers accountable. Consequently, the protection of personal data guaranteed by the PDP Law and the constitution tends to be normative and has not yet been effectively implemented. However, on the other hand, the Personal Data Protection Law stipulates that the Personal Data Protection Supervisory Agency is established by the President and is directly responsible to the President. This construction creates institutional ambiguity, as the Personal Data Protection Supervisory Agency is institutionally under the executive branch. This situation has the potential to reduce the level of independence of the supervisory agency, especially if the personal data breach is committed by a government agency or public body under the executive branch. In fact, as an effort to realize personal data protection, the establishment of an independent supervisory agency is urgent. Independence in this context must also be understood as freedom from all forms of government interference (Djafar et al., 2016). Furthermore, the Personal Data Protection Law also does not stipulate a time limit for the establishment of the Personal Data Protection Supervisory Agency by the President. The absence of this time limit regulation creates legal uncertainty and has the potential to delay the full implementation of the Personal Data Protection Law.

As a result, the supervisory function, enforcement of administrative sanctions, and protection of the rights of personal data subjects cannot function optimally. Based on normative, empirical, theoretical, and international analysis, the urgency of establishing a PDP supervisory agency is a mandate or mandatory requirement of the PDP Law. Empirically, the prevalence of data leaks demonstrates a weak oversight system. Theoretically, the effectiveness of the PDP Law will not be achieved without an institutional structure. Globally, the existence of an independent authority is a minimum standard that must be met. Without a supervisory agency, the implementation of the PDP Law will not be effective in protecting people's personal data. Thus, the urgency of establishing a supervisory body for the implementation of personal data protection is not only based on the high number of data leaks, but also on the need to guarantee the effectiveness of the norms of the Personal Data Protection Law, avoid overlapping authority between institutions, and ensure the ongoing protection of people's privacy rights. From the perspective of Lawrence M. Friedman's legal system theory, the urgency of establishing a supervisory body for the implementation of Personal Data Protection cannot be postponed. Without a supervisory body, the Personal Data Protection Law only fulfills the substantive aspects of the law, but fails to build the necessary legal culture and structure

to ensure its effective implementation. Therefore, the establishment of a supervisory body for the Personal Data Protection Law is a normative, institutional, and sociological necessity for the effective implementation of Personal Data Protection in Indonesia.

IV. CONCLUSION

This study concludes that the ideal institutional design for a personal data protection supervisory body should be an independent state body positioned outside the ministerial structure. This is based on the authority as stipulated in Articles 59 and 60 of the Personal Data Protection Law, which encompass regulatory, supervisory, investigative, and administrative sanction enforcement functions. These authorities can only be exercised effectively if the institution possesses institutional, functional, and organizational independence, enabling it to oversee data controllers, including public bodies, without potential conflicts of interest. Comparisons with other supervisory bodies in Indonesia, such as the KPPU (Commission for the Protection of Personal Data), the Financial Services Authority (OJK), and the Corruption Eradication Commission (KPK), demonstrate that the establishment of an independent Personal Data Protection supervisory authority is a structural necessity in the modern constitutional system.

The urgency of establishing a personal data supervisory authority is further emphasized by the increasing frequency and scale of personal data leaks in recent years, involving both the private sector and public agencies. The absence of a supervisory body has prevented a number of provisions in the Personal Data Protection Law from being optimally implemented and created an oversight vacuum. Furthermore, the temporary placement of the Personal Data Protection oversight function under a ministry creates potential conflicts of interest, thus failing to guarantee objectivity and accountability. Therefore, the establishment of an independent Personal Data Protection oversight body is a normative imperative, an institutional need, and a global demand for Indonesia to meet international standards for personal data protection.

V. SUGGESTION

The government needs to immediately establish an independent personal data protection supervisory authority with a strong legal basis. This institution should not be placed under any ministry to avoid conflicts of interest and ensure its oversight function is carried out objectively. The government also needs to expedite the development of derivative regulations governing the structure, technical authority, and working mechanisms of the PDP supervisory agency to avoid a law enforcement vacuum during the transition period. Furthermore, human resource capacity building, coordination between state institutions, and increased public literacy are needed to foster a culture of optimal personal data protection. The presence of an independent supervisory agency aims to increase the effectiveness of personal data protection in Indonesia and ensure the rights of data subjects in an increasingly complex digital ecosystem.

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