

Health Data Protection and Privacy in The Internet of Things Era: The New Legal Challenges in Indonesia

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Abstract

This article addresses the absence of data protection regulations in Indonesia and the implications for personal data security, particularly in the context of the Internet of Things (IoT) and E-Health innovations within the health sector. Personal data, inherently sensitive, requires adequate protection to preserve individual privacy. Despite the benefits of IoT in healthcare, including increased efficiency and effectiveness, concerns arise regarding the security of patient health data. The lack of comprehensive regulations exacerbates the risk of data abuse or leakage by health providers or other parties. Drawing upon legal frameworks and recent cases of personal data violations, the article underscores the urgency for Indonesian governmental action to safeguard personal data, especially in the rapidly evolving landscape of IoT-enabled healthcare services.

Keyword : Health Data Protection and Privacy, Legal Crimes

INTRODUCTION

Indonesia is one country that has not had data protection regulations till now. Personal data itself is a set of specific individual-related information and includes fundamental things about a person. Personal data inherently sensitive and must receive adequate protection to preserve the individual privacy. The internet is currently developing to facilitate human activities, especially in the health sector. Internet of Things (IoT) is essentially a concept where an object can transfer data through the internet network without human interaction. In health sector, Internet of Things (IoT) is a renewal process to increase efficiency and effectiveness related to health service. E-Health or Electronic Health is one of innovation of Internet of Things in the health sector, E-health very helpful regarding health service process such as registration until the

payment currently can be done through internet network. Once we establish the importance of E-Health, the issue of whether E-Health guarantees the safety of patient health data, this becomes important because health data is a matter of privacy that should only be known by patients and health professionals concerned. Subsequently, if there abuse or leakage of data carried out by health providers or other parties, what action can the Indonesian government take to address the situation where the personal data regulations in Indonesia still sectoral and there are no comprehensive regulations regarding data protection.

ANALYSIS AND DISCUSSION

Basically, the Internet of Things (IoT) is the activity of connecting objects with other objects without the need for human interaction and through an internet network. The utilization of the Internet of Things in the health sector is to facilitate access between health facilities, medical staff, and patients to increase the efficiency, effectiveness and quality of medical activities. In using E-Health or Electronic Health, users or patients will be asked for sensitive personal data that is directly related to patient or user information. Afterward the question is how strict is the security of health service regarding to patient health data, health data itself contains the patient medical record which should only be known with the patient permissions. The issue related to personal data protection arises due to many violations of privacy in Indonesia and violations of privacy itself cause harm both materially and morally such as defamation of a person or institution. Protection of Personal data is implicitly stated in the 1945 Constitutional of The Republic of Indonesia in Article 28G "Everyone has the right to personal protection, family, honor, dignity, and property under their control, and are entitled to a sense of security and protection from the threat of fear to do or not do something that is a human right".¹ Other regulations regarding personal data are contained in Law No.43 of 2009 concerning Archives, Law No.36 of 2009 concerning Health, Law No.36 of 1999 concerning Telecommunications and Law No.24 of 2013 concerning Population Administration.

In November 2018, Jakarta Legal Aid has received 1330 complaints concerning violations of law and human rights committed by online loan firms and there are at least 14

¹ Undang-Undang Dasar 1945 [UUD 1945] [Constitution] Aug.18,1945, art 28G

cases related to personal data leakage used by online loan firms to pressure their users to pay their debts.² Based on this case, it does not rule out the potential of any leakages of health data conducted by the health providers or other parties. Currently, the regulation regarding data protection is a thing that must be resolved by the Indonesian government to ensure the security of personal data in Indonesian society in the Internet of Things era.

CONCLUSION

The era of the Internet of Things brings convenience for humans, especially in the health sector. The registration process until medical results currently can be accessed an internet network without the need to go to a health facility. Nevertheless, behind the convenience provided, there remains a threat there is the potential for health data leakages where the health data generally contains medical information patients which should only be known by the patient permissions. As a result of this situation, the government should have accelerated the establishment of legislation relating to the protection of personal data, especially in the health sector.

DAFTAR PUSTAKA

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Undang-Undang Dasar 1945 [UUD 1945] [Constitution] Aug.18,1945, art 28G

² Legal Aid Jakarta, Democracy at The Crossroads (2020)