




Legal Protection of Personal Data of Telecommunication Users for Prepaid Card Registration at Grapari Tritura Medan

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Article Info	ABSTRACT
Keywords: Legal Protection, Personal Data, Registration, Prepaid Card.	<i>The purpose of this study is to determine the form of legal protection of personal data of telecommunication service users regarding the implementation of prepaid card registration requirements and the legal consequences of the existence of prepaid card registration requirements. This research is a unique approach to the legislation contained in Law No. 8 of 1999 on Consumer Protection, Law No. 24 of 2013 and Law No. 36 of 1999 on Population Management. Minister of Communication and Informatics Regulation on Telecommunication and Minister of Communication and Informatics Regulation No. 20/2016 on Personal Data Protection in Electronic System, Minister of Communication and Informatics Regulation No. 12/2016 on Telecommunication Service Customer Registration, Minister of Transportation Regulation No. 21/2017. Telecommunication service providers are obliged to keep customer data as long as the customer is still actively subscribing to telecommunication services.</i>
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INTRODUCTION

The development of information technology in the world is very fast and unstoppable, as well as the development of technology in Indonesia. The rapid development of technology, especially in the world of communication and information, has brought many conveniences to people in their daily lives. Of course, for legal reasons, Indonesia must always compile regulations that continue the development of this technology to meet applicable standards in Indonesia. The use of information technology in addition to having a positive impact, of course, on the other hand, can also have a negative impact. The positive and negative impacts of using information technology are like two sides of the same coin, which must be clearly distinguished but cannot be separated. Of course, to support the effective use of cellphones or smartphones, various vendors or operators are needed as a means of support. The increasing use of providers or prepaid cards in the community is driven by many attractive incentives related to the benefits and conveniences that can be obtained

from the services of these providers or prepaid cards. A number of violations and crimes in the field of telecommunications services violate a number of provisions of the current law, namely Law No. 19 of 2016 amending Law No. 11 of 2008 related to Electronic Information and Transaction Systems, Law No. 36 of 1999 concerning telecommunications, as well as Minister of Communication and Information Technology Regulation No. 20 of 2016 concerning the protection of personal data in electronic systems. Crimes often occur in the form of fraud, promotions or advertisements, through short message service (SMS) or telephone, or through spam, theft or personal data fraud.

Based on some common telecommunication crimes, the protection of data and information is a human rights issue. The issue of personal data protection became a public concern after the leakage of personal data and the use of personal data without the consent of the data owner. This is because the personal data security system is still relatively weak, allowing irresponsible parties to obtain and use data to do things that can harm data owners and other parties.

Personal data is a portion of personal data that is stored, maintained and kept and kept confidential. Personal data is closely related to a person's privacy because a person has the right to provide personal data or personal information to be given or not given to others.

The most important aspects of prepaid card registration include validating the data of prospective and existing customers against the NIK and Family Card (KK) numbers registered in the database of the General Department of Civil Registry and Civil Registration (Ditjen Dukcapil). Registration can be done directly by prospective customers who buy SIM cards, as well as re-registering existing customers.

The government has the authority and legal basis to force people to comply with the policies set by the government. However, such rules or policies often have a negative impact in some cases and since personal data must be submitted during the registration process is a state-guaranteed right, other data protection rules and regulations are still unclear. Therefore, it is feared that government policies without a strong and comprehensive basis may undermine human rights. In principle, the form of protection for personal data is divided into two forms, namely the form of data protection in the form of security for the physical data, both visible and invisible data. The second form of data protection is the existence of regulations governing the use of data by other people who are not entitled, misuse of data for certain interests, and destruction of the data itself. In various developed countries, the term *privacy* is used as a right *that must be protected*, namely a person's right not to be disturbed in his private life. The concept of privacy was first developed by Warren and Brandeis who wrote an article in a Harvard University law school scientific journal entitled "*The Right to Privacy*" or the right not to be disturbed.

METHODS

This research was conducted at Grapari Telkomsel Tritura which is located at Jalan Tritura No. 4B, Titi Kuning, Medan Johor District, Medan City, North Sumatra. Population is the entire unit of analysis / measurement that is limited by certain criteria. The population in this study were all prepaid card users at Grapari Telkomsel Tritura as many as 1000 people starting from June 1 to June 30, 2023. The sample is part of the population taken through

certain methods which also have certain characteristics. Given the relatively large population, 100 consumers will be taken as respondents (10% of the total population) with incidental sampling techniques. The data collection techniques used in the study were observation, questionnaires and literature studies.

RESULTS AND DISCUSSION

In 2000, Telkomsel pioneered Mobile Banking services in Indonesia in collaboration with Bank Panin, which is Telkomsel's innovation in integrating telecommunications and information technology systems in the banking system. Here Telkomsel is also the leading operator of mobile telecommunications services in Indonesia by market share and revenue share. At the end of March 2009, Telkomsel had 72.1 million subscribers which based on industry statistics represents a market share estimated at approximately 50%. Telkomsel provides mobile services in Indonesia, through its own national dual-band GSM 900-1800 MHz, 3G network, and internationally, through 341 international roaming partners in 180 countries (end of March 2009). In September 2006, Telkomsel became the first operator in Indonesia to launch 3G services. The company provides customers with a choice between two prepaid cards simPATI and Kartu As, or post-paid service kartuHALO, as well as various value-added services and programs. On March 20, 2009, Telkomsel and Apple South Asia Pte. Ltd launched the iPhone 3G in Indonesia with a customized price plan for all Telkomsel valued customers. Telkomsel's operations in Indonesia have grown substantially since the commercial launch of post paid service on May 26, 1995. In November 1997, Telkomsel became the first mobile telecommunications operator in Asia to introduce GSM rechargeable pre-paid services. PT Telkomsel's gross revenue has grown from Rp 3.59 trillion in 2019 to Rp 44.42 trillion in 2023.

For foreign nationals who do not have a Population Identification Number (NIK), the activation process must be carried out at the operator's gallery using their identity such as Passport/KITAP/KITAS. Some important points in the prepaid card registration mechanism as stipulated in the Minister of Communication Regulation Number 12 Year 2016 which has been amended several times, with the latest amendment through the Minister of Communication and Information Technology Regulation Number 21 Year 2017 are as follows:

1. Mandatory Registration for All Prepaid Customers

As stipulated in the regulation, all customers, both those who currently have a prepaid card number or for prospective customers who will use a prepaid card, are required to register data based on population data. For customers who currently have a prepaid card, they are required to re-register with a time limit of February 28, 2018. If until the specified time limit, there is still no re-registration, then a gradual blocking of the prepaid card number will be applied.

2. Enforcement of Verification and Validation of Customer Data

Validation for Indonesian citizen (WNI) customers uses the customer's identity in the form of the Population Identification Number (NIK) and Family Card number (KK). The identity will be verified and validated to the population *database of the* Directorate General of Population and Civil Registration (Ditjen Dukcapil) of the Ministry of Home Affairs. As for Foreign Citizen (WNA) customers, the identity used in customer

registration is in the form of Passport / KITAP / KITAS and is carried out *onsite* at the operator's gallery.

3. Number Ownership Restrictions Begin to Be Restricted

Based on the new regulation, each NIK can only activate independently for 3 (three) prepaid numbers per mobile operator. For the next number, customers are required to activate the number in the operator's gallery. Although the restriction has not been fully implemented, this mechanism can be considered as an initial *treatment* for the next number restriction regulation.

4. Mobile Operators Must Maintain Customer Data Security

Operators must submit a progress report on the prepaid customer re-registration process every 3 (three) months to BRTI during the re-registration period. Since demographic data is part of personal data, operators are also obliged to treat customer data as confidential data, and must maintain the confidentiality of the data and must have an information security mechanism as evidenced by ISO 27001 certification.

Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE) as amended by Law Number 19 of 2016, provides limitations on information and personal data of an electronic nature. In the use of information technology, protection of personal data is part of personal rights. The definition of personal rights is the right to enjoy a private life and be free from all kinds of interference, including the SMS product offerings earlier.

In relation to the SMS above, it can be said that the promotional short message has interfered with the personal rights of the cell phone owner because there was no prior notice and consent from the owner, this is the basis that there has been a violation of the principle of propriety in the promotional service via SMS.

CONCLUSION

1. Legal protection of privacy data in Indonesia has been stipulated in Permeninfo No.12 Year 2016 and through Permeninfo No.20 Year 2016. Based on the two Minister of Communication Regulations mentioned above, arbitrary and irresponsible use of privacy data will be subject to administrative sanctions in the form of verbal warnings, administrative fines, temporary suspension and/or license revocation. Revocation of license is not provided in Permeninfo No.20/2016 instead the sanction is only announced on the *online website*.
2. PT Telkomsel as a telecommunications service provider is obliged to provide personal data protection by storing it and not providing data to other parties without customer consent. But in reality, without being realized by PT Telkomsel's customers, their data has been handed over by PT Telkomsel to the parties that cooperate with it. The agreement is not directly known by customers. Customers are also not given an easy choice to reject the offer or cancel the agreement with PT Telkomsel.
3. The internal policy of PT Telekomunikasi Seluler (Telkomsel) on legal protection of personal data for promotional activities against mobile telecommunications users is regulated in the provisions and policies of PT Telkomsel, in the provisions of the policy it is explained that PT Telkomsel is authorized to share information with third

parties who have collaborated with PT Telkomsel for promo purposes. And PT Telkomsel is authorized to provide personal data of mobile telecommunication users in terms of law enforcement.

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