

Legal Analysis of Police Authority in Criminal Investigations from the Perspective of Personal Data Protection (Research Study of the Bareleng Police Department)

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Abstract. *The development of information and communication technology has brought significant changes to the law enforcement system, particularly in the criminal investigation process conducted by the Police. In carrying out their authority, the Police frequently utilize personal data as a means to uncover criminal acts, especially technology-based crimes and organized crimes. However, the use of personal data in the investigation process also raises legal issues related to the protection of individual privacy rights. This study aims to analyze the authority of the Police in criminal investigations from the perspective of personal data protection, its implementation in law enforcement practices, as well as the obstacles and efforts to resolve them. This research employs a normative juridical legal research method using statutory, conceptual, and case approaches. The data used consists of secondary data, including primary legal materials, secondary legal materials, and tertiary legal materials obtained through library research. Data analysis was conducted qualitatively by examining laws and regulations, legal theories, doctrines, and literature related to police authority and personal data protection. The results of the study indicate that the authority of the Police in criminal investigations has been regulated under the Criminal Procedure Code, the Police Law, and various other regulations. However, in practice, there are still several obstacles, such as the lack of optimal technical regulations regarding the use of personal data, weak supervision over data access, limited human resources and technology, as well as the potential abuse of authority that may result in violations of public privacy rights. Therefore, it is necessary to strengthen regulations Law number 27 of 2022 concerning personal data protection, improve the professionalism of law enforcement officers, and establish effective and accountable supervision in order to create a balance between the interests of law enforcement and the protection of personal data.*

Keywords: Authority; Data; Investigation; Personal; Protection.

1. Introduction

Development knowledge knowledge and technology mature this experience progress rapidly along the outbreak phenomenon supremacy law, democratization, rights basic human rights (HAM), decentralization, transparency and accountability that give birth to paradigm new. Some expert confess no Possible make something definition laws that cover in a way comprehensive and can accepted in a way satisfying everyone because its broad nature. on the way history, meaning law develop from traditional understanding come to an understanding law which are more in accordance with changes of the times. meanwhile technology information has change pattern life society and cause change social culture, economy, and framework the law in force with significant. this is on ultimately also results in creation a new market that has push development system economy society, from economy traditional ones based on manufacturing industry to direction *digital economy* or digital economy. the digital economy was born and developed along use technology information and communication which is also increasing globalized in the world.

Development technology and information in the field transformation, good land, sea and mature air This give convenience for its users for access desired place. Rapid development the compared straight with action recent criminal offenses This rampant happen.

the moment increasingly We feel the impact so that not can undeniably, power think about it too development, and create A knowledge knowledges new. However in fact, no everyone can utilise knowledge the with good and right, so that matter the often causes loss for people a lot. Besides bringing Lots benefits and also value positive, technology can also harm life something nation and of course just result in prone to occurrence case criminal. See matter the can it is said that causes and background behind occurrence action criminal law in Indonesia does not let go from condition, order even system considered value No possible development potential and hope man in soil the water. Various pressure in problem population, problems strategic imbalance or no evenly distributed distribution opportunities and social development economy or occurrence various conflict with for various reasons, it has long been understood as trigger occurrence action criminal.

In principle, the law made for give service to citizens with objective creation order, security, welfare and a true sense of justice. however however, even though law made with binding properties every citizen who do not comply with it, forms deviations and violations that still just happened. facing matter this of course the state must respond to with action firm in form enforcement law that alone. one of them what the state does is emit invite invites number 20 of 2025 concerning the criminal procedure code (KUHAP) and in the KUHAP alone it is said that objective criminal procedure law is for search and get or at least approach truth

material, namely the complete truth complete from something case criminal with apply provision criminal procedure law in a way honest and precise with objective for look for who is perpetrators who can accused do something violation law and so on request examination and decision from court to find whether proven that something action criminal has committed and whether the person charged that can blamed. one of the process that initiates action law the is investigation and inquiry so actions or action that can it is said as action criminal or action crime or No can.” Criminal law as something field law, also studied by science knowledge or made into object from something knowledge knowledges that is called knowledge law criminal”.

In accordance with Law Number 2 of 2002 concerning The Republic of Indonesia National Police, makes Indonesian National Police as state law enforcement apparatus law, guard security and order public as well as protector, guardian and servant society. This Of course become challenge task for Police, because in one side needed skill managerial aspects related management close with problems implementation coordination and on the other hand is required mastery about investigation and inquiry that space his movements always limited by provisions applicable law. Various constraint faced by the police in face problem crime including in do access regarding personal data a perpetrator action criminal. Investigation and inquiry actions carried out by the police this is very influential to implementation law criminal and criminal procedure law That alone, thing This due to the investigation process is the first step in the enforcement process laws carried out by actor enforcement law in Indonesia. Various example cases that occur later this, shows how the judicial process works ongoing criminal offenses with No Good Because caused by various errors and other factors in do function investigation and inquiry. The process of investigation and inquiry of course No Can considered trivial and easy, because matter This regarding being able to or whether or not A action it is said fulfil elements crime so that perpetrator can charged punishment as should be. Professionalism investigator Indonesian National police for carry out his duties in a way fast, accountable and transparent be one of road for answer doubt public to performance The Indonesian National Police continues continuously highlighted.

Riau Islands as one of the provinces in Indonesia are area strategic that has border ocean with Singapore and Malaysia causing Riau Islands becomes Then cross perpetrator action criminal so that there is a number of difficulties experienced officer Police in disclosure case where one of them related with personal data the perpetrator who has right constitutional data subject based on protection, certainty law, interests general, benefit, caution, balance, accountability and confidentiality.

In a way conceptual, core and meaning of enforcement law lies in the activity harmonize connection the values outlined in the solid rules as attitude action in a

series For create, maintain and defend peace socializing life.¹ Whereas in a way functional, system enforcement law That is something system action Because inside it there is that's all Lots activities carried out tool complement to the state in series enforcement law among them police. There is a guarantee law from government to public must valid in a way widespread, good from threats originating from from outside the territory of Indonesia, as well as from within the territory of indonesia. one of them concretization from responsibility government for give guarantee protection law for public is responsibility government for give guarantee protection law for public is government obliged protect public from all form crimes and deeds deviate others that may be experienced. Understanding this is very important instilled so that the regulations legislation that was formed can realize proportional regulations related with accountability criminal to perpetrator action criminal into the form law national so that the enforcers law own strong foundation ensnare the actors involved.

2. Research Methods

Study law is a process for find rule laws, principles law, as well as doctrines law to answer issue the law being faced. ²Research methods is method scientific for get data with purpose and use certain. scientific way means activity that based on characteristics science that is rational, empirical and systematic.³ study law in essence is something activity scientific method based systematics and thinking certain, which aims for learn one or a number of symptom law certain with clear analyze it. To That held in -depth examination to fact law the For Then try something solution on problems that arise in the symptoms concerned.⁴

3. Results and Discussion

3.1. Implementation of Authority Police Under Investigation Action General Crimes in Perspective Personal Data Protection

Barelang City Police Resort is unit police in the Batam City area which has task main look after security and order society, upholding law, as well as give protection, care and service to public especially in the Batam City area. ⁵Batam City is also a city the largest in the Province Riau Islands and is located on the route cruise international Strait of Malacca, city This bordering direct with Singapore and Malaysia and is known as center industry, trade, and tourism. Advantages This make Batam City a lot made into city objective for seekers work, so that no a little bit too place occurrence crime.

¹Soejono Soekanto, *Factors Influencing Law Enforcement*, Jakarta: Rajawali Pers; 2022, p. 3.

²Peter Mahmudi, *"Legal Research"*, Jakarta: Kencana Prenada Media Group, 2008, p. 3.

³Sugiono, *"Understanding Qualitative Research"*, Bandung: Alfabeta, 2014, p. 10.

⁴Bambang Sunggono, *"Legal Research Methods"*, Jakarta: Raja Grafindo Persada, 1997, p. 39.

⁵ Constitution Number 2 of 2002 concerning the Republic of Indonesia National Police, Article 13

Many violations action crimes that occurred in Batam City such as action criminal international fraud and scams, smuggling narcotics scale big, violent against women and children, online gambling, shipping worker illegal Indonesian migrants (PMI) and crime theft and fraud property, so that require police specifically investigator more precise and accurate in processing action criminal said. Implementation authority Police in investigation action criminal general is part important in system justice criminal law in Indonesia. The Republic of Indonesia National Police (Polri) as apparatus enforcer law own duties and authorities for do investigation to every suspicion action criminal law in order to find something alleged incident as action criminal or no as arranged in article 1 number 5 of the criminal procedure code (kuhap). in practice, the implementation investigation No only related with effort search facts and collection information, but also must notice protection to right basic humans, including right on personal data protection.

Study This focused on disclosure Police Report to the Criminal Investigation Unit Police Station Bareleng about suspicion action criminal Fraud that occurred during period time 2023 to with in 2025 with total cases as many as 138 cases were received with various modes including Customs Auctions, Part Time, *Scamming* and fraud triangle. However successful case revealed only 1 (one) case just whereas case other Still in stage investigation until moment This. Development technology information and communication has bring change big in method investigation action criminal. Police moment This No only do investigation in a way conventional, but also utilize electronic data, recordings communication, digital information, social media, population data, and transaction data finance For support the disclosure process action criminal.⁶ However use technology the Not yet in a way maximum give convenience for apparatus enforcer law in reveal something matter, and also can cause potential violation to privacy and personal data protection if No done in a way proportional and appropriate with provision law.

Authority Police in investigation arranged in Constitution Number 2 of 2002 concerning Indonesian National Police. Article 13 of Law the mention that task main Police covering look after security and order society, upholding law, as well as give protection, care and service to public. In carrying out task enforcement law, police given authority search and find something alleged incident as action criminal through the investigation process. However, the authority the is not authority of a nature absolute, but rather must implemented based on principle legality, professionalism, accountability, and respect to right basic man.

In perspective personal data protection, implementation investigation by the police must notice provision in Constitution Number 27 of 2022 concerning

⁶Edmon Makarim, *Introduction to Telematics Law*, (Jakarta: RajaGrafindo Persada, 2005), pp. 148–154

Personal Data Protection.⁷ Constitution This confirm that personal data is part from right mandatory privacy protected by the state. Personal data covers any data about an identified person or can identified Good in a way direct and direct through system electronic both electronic and non- electronic. Therefore that, every collection, use, storage, disclosure and destruction of personal data must done based on base legitimate law and clear objectives.

Practice investigation action criminal general, apparatus Police often do personal data collection society, such as identity population, number phone, CCTV footage, history communication, location data, to biometric data.⁸ The data collection is basically allowed throughout done interest enforcement legal and appropriate with regulation legislation. However Thus, the use of personal data under investigation must still notice principles *necessity* and *proportionality*, namely actions taken must truly necessary and balanced with objective enforcement the law that is intended achieved.

Implementation authority investigation by the police must also be uphold tall principle *due process of law*. In the context personal data protection, *due process of law* means that every action taking or access regarding personal data somebody must done through procedure clear laws, have base legitimate authority, as well as can accountable. Police No can in a way arbitrary access or disseminating personal data public without existence interest valid law. This is important prevent occurrence abuse abuse of *power* by official enforcer law.⁹

In addition, personal data protection in the investigation process is also related close with principles confidentiality information. In many cases, data obtained by the investigator nature sensitive and concerning life personal somebody. If the data is leaked or misused, then can cause loss for data owner, either in a way material and immaterial. Therefore that, the Police own obligation guard security and confidentiality of the data obtained during the investigation process. Management of the results data investigation must done in a way professional through system adequate security to prevent easy accessed by unauthorized parties authorized.

Personal data protection specifically for data in form electronic loaded in Constitution Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) Article 26 Paragraph (1).¹⁰Personal data can identified with data or related with attribution identity that includes all something which can

⁷Law Number 27 of 2022 concerning Personal Data Protection, specifically Article 3, Article 16, and Article 20

⁸Edmon Makarim, *Introduction to Telematics Law*, (Jakarta: RajaGrafindo Persada, 2005), pp. 152–156;

⁹Law Number 27 of 2022 concerning Personal Data Protection, Article 16 and Article 65

¹⁰Law Number 11 of 2008 concerning Electronic Information and Transactions, Article 26 paragraph (1)

identify and represent uniqueness or characteristics both people and devices and *digital object*. Personal data including However No limited to:

- 1) Full name;
- 2) Number identity / passport;
- 3) Photo or video of yourself;
- 4) Number telephone;
- 5) Mailing address electronics;
- 6) Number card family;
- 7) Date / month / year born;
- 8) Number father and mother's identity.

With Thus, the action investigation conducted by the police must still honor rights constitutional citizens. Enforcement law No may done with ways that violate right privacy or ignore personal data protection public.

Implementation authority Police in investigations must also be carried out notice principle accountability. Every action related investigations with collection or use of personal data must can accountable in a way law and ethics. In terms of happen misuse of personal data by authorities enforcer law, then must there is mechanism supervision and enforcement strict discipline. Accountability This important for guard trust public to institutions Police as apparatus enforcer professional and integrated law.¹¹

Next, coordination between institutions also becomes factor important in implementation personal data protection in the investigation process. In practice, the Police often Work The same with other agencies such as the Population and Civil Registry Service, providers service telecommunications, banking, and digital platforms for obtain the required data in the investigation process. Work The same the must done based on provision applicable and permanent laws ensure protection regarding personal data society. Every data exchange must be own base clear laws as well as done in a way limited in accordance need investigation.

With Thus, the implementation authority Police in investigation action criminal general in essence must implemented in a way professional, proportional and accountable with still honor personal data protection as part from right basic human. Authority investigation of course required for support effectiveness enforcement law, however implementation No may ignore right privacy society.

¹¹Soerjono Soekanto, *Factors Influencing Law Enforcement*, (Jakarta: RajaGrafindo Persada, 2014), pp. 8–10

Therefore that, is necessary balance between interest enforcement law and personal data protection in order to create system justice fair, humane and appropriate criminal law with the principle of the rule of law.

3.2. Implementation Authority Police Under Investigation Action General Crimes in Perspective Personal Data Protection

Implementation authority Police in investigation action criminal general in essence is implementation duties and functions The Republic of Indonesia National Police as arranged in Constitution Number 2 of 2002 concerning The Indonesian National Police and the Criminal Procedure Code (KUHAP). ¹²In practice, the investigation done for search and find something alleged incident as action criminal law to determine can or whether or not done investigation. However, in the digital era when this, implementation authority the No can released from aspect protection of personal data, considering the investigation process often involves collection, processing, storage, up to use of personal data public.

In a way normative, article 1 number 5 of the criminal procedure code explains that investigation is a series action investigator for search and find something alleged incident as action criminal law to determine can or whether or not done investigation according to regulated manner in constitution. in carrying out authority said, investigators police own authority for accept report or complaint, search description and goods evidence, do observation, interviews, clarification, until collection information related electronics with suspicion action criminal. however, the action the must still notices right privacy and personal data protection someone so as not to cause abuse authority.

Implementation personal data protection under investigation become very important Because development technology information has change pattern crimes and methods enforcement law. In practice investigation action criminal general, apparatus Police often utilizing electronic data like CCTV recordings, telecommunications data, social media, digital location (GPS), banking data, and document electronic others. Use of the data of course required reveal action criminal, but if done without clear boundaries can potential violate right constitutional upper citizens protection privacy.¹³

Constitution Number 27 of 2022 concerning Personal Data Protection give base law that every processing of personal data must done in a way limited, specific, legitimate, and transparent. In the context of investigation Police, implementation authority must still notice principles legality, proportionality, accountability, and legitimate needs in obtaining personal data someone. That is, investigator only

¹²Law Number 2 of 2002 concerning the Republic of Indonesia National Police, Article 13 and Article 14

¹³Edmon Makarim, *Introduction to Telematics Law*, (Jakarta: RajaGrafindo Persada, 2005), pp. 148–156

may access relevant data with interest enforcement law and not may use the data outside objective investigation.

In its implementation, the Police often do data request to organizer system electronics, telecommunications operators, institutions banking, as well as party other for interest investigation. for example, in case online fraud, investigator can request identity data users account, history transactions, ip addresses, and number phone used the perpetrator. the action is in principle justified throughout done based on procedure law and use solely for interest enforcement law. however thus, the mechanism access the data must done in a way be careful not to happen leakage or misuse of personal data public.

In addition, the implementation authority the investigation also looks in use digital technology by the Police, such as *cyber patrol*, *digital forensics*, and *surveillance* limited.¹⁴ Use technology the help apparatus in detect and analyze action criminal in a way fast and effective. However, use technology supervision without clear control can cause problem law, especially if done in a way excessive and violating right privacy individual. Therefore that, internal supervision and mechanisms accountability become very important in guard balance between interest enforcement law and protection right basic man.

In perspective personal data protection, implementation authority the police must also notice principles data security (*data security*). Personal data obtained during the investigation process must guarded confidentiality and only can accessed by authorized parties. Leakage of data results investigation can cause loss for victims, witnesses, and the party in question checked. Because of that that, the Police need apply system adequate data security, both in a way administrative and technology, in order to prevent access illegal to the results data investigation.

Next, implementation authority investigation in perspective personal data protection is also related with principle *due process of law*. Every action data collection by authorities enforcer law must done based on procedure valid and invalid laws may done in a way arbitrary. In practice, investigators No may do wiretapping, electronic data retrieval, and inspection digital devices without base clear law. This is important prevent occurrence *abuse of power* that can harm rights citizen.

With Thus, the implementation authority Police in investigation action criminal general in perspective personal data protection must done in a way balanced between interest enforcement law and protection right privacy community. Police own authority obtain and use personal data to reveal action criminal, but authority the must implemented based on principle legality, accountability, proportionality,

¹⁴Widodo, *Criminal Law in the Field of Information Technology Cybercrime Law* , (Yogyakarta: Aswaja Pressindo, 2013), pp. 95–101

and protection right basic humans so as not to cause abuse authority and violation regarding personal data citizen.¹⁵

3.3. Obstacles and Solutions in the Investigation Action General Crimes in Perspective Personal Data Protection

a) Obstacles in Investigation Action General Crimes in Perspective Personal Data Protection

Implementation investigation action criminal general by the Police in the current digital era This face various obstacles, especially in perspective personal data protection. Developments technology information has bring change big to pattern crimes and methods enforcement law. In one side, technology make things easier apparatus enforcer law in get information and tools proof electronics, but on the other hand it causes challenge new related protection right privacy and security of personal data society. Therefore that, implementation investigation No only sued effective in reveal action criminal, but also must capable ensure personal data protection in accordance with provision applicable law.¹⁶

One of obstacle main in investigation action criminal general is Not yet optimally synchronization regulations between criminal procedure law with provision protection of personal data. Criminal Procedure Code as base law investigation and inquiry Still Not yet in a way specific arrange mechanism personal data protection in the enforcement process law digital- based. Meanwhile that, the Law Number 27 of 2022 concerning Personal Data Protection give limitation strict to processing of personal data. Asynchrony This often cause difference interpretation about to what extent is the authority apparatus Police in access, use, and store personal data for interest investigation.

Draft data protection can considered as part from protection on privacy which is draft specific from privacy That alone, where privacy is right basic fundamental human and data protection is one method for protect privacy that alone. although already there is provision base about personal data protection in Indonesia but its implementation Still Not yet fulfil existing needs. Currently rule implementation about personal data protection in Indonesia is still weak and characteristic general Because the rules stated in a number of regulations separate and distinct legislation sectoral. In generals a number of provision in Constitution Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law) only arrange parts certain just related personal data protection specifically for data in form electronically where consent absolute required at every use of personal data

¹⁵Law Number 2 of 2002 concerning the Republic of Indonesia National Police, Article 13 and Article 19 paragraph (1)

¹⁶Sinta Dewi Rosadi, *Protection of Privacy and Personal Data in the Digital Economy Era in Indonesia*, (Bandung: Refika Aditama, 2018), pp. 65–70

someone. Even Article 26 Paragraph (2) of the ITE Law regulates about recovery right through mechanism change make a loss.¹⁷

Apart from the ITE Law, there are Constitution Number 14 of 2008 concerning Openness Public Information (UU KIP) which is firm give classification information that is not is public information. Article 17 point H states classification open information classified as information public, namely:

- 1) Condition history member family;
- 2) Condition history family health treatment;
- 3) Condition finance somebody
- 4) Notes personal someone, and
- 5) Information about rights personal somebody.

Whereas inherent data protection to somebody related with effort related laws with opening information only Can conducted by investigators with existence letter permission from chairman district court first before, but in practice investigator can carry out foreclosure without preceded with letter permission chairman district court. This matter is part from realm law criminal law (KUHP), especially in the section about confiscation and inspection letter (Chapter V part fourth about foreclosure articles 38-46, and sections fifth articles 47-49).

Obstacle next is limitations source Power man apparatus enforcer law in understand aspect technology information and personal data protection. Developments increasing digital crime complex demand investigator own ability technical in do electronic data analysis, digital forensics, to data security results investigation.¹⁸ But in practice, it doesn't all over apparatus own adequate competence in the field said. Condition This potential cause error procedure in collection and management of personal data that can impact on violations right privacy public.

Apart from the limitations source Power human, other obstacles lie in the facilities and infrastructure technology that has not been fully adequate. In doing so modern investigation, Police need system data security, digital forensic tools, storage servers safe, and technology supporter others to maintain confidentiality of personal data. However, limitations budget and infrastructure often become constraint in implementation system optimal data protection. As a result, the

¹⁷Law Number 11 of 2008 concerning Electronic Information and Transactions, Article 26 paragraph (1) and paragraph (2)

¹⁸Widodo, *Criminal Law in the Field of Information Technology Cybercrime Law* , (Yogyakarta: Aswaja Pressindo, 2013), pp. 102–105

resulting data investigation prone to experience leaks, access illegal, as well as misuse by unauthorized parties responsible answer.

Obstacle other is height risk personal data leak in the process of investigation. In practice enforcement law, apparatus often obtaining sensitive data like identity of victims, witnesses, suspects, recordings communication, transaction data finance, up to information location somebody.¹⁹ If the data is No managed in a way professional and safe, then can cause loss for the parties involved. Data leaks can also occur reduce trust public to institutions enforcer law and give rise to assumption existence abuse authority.

Beside that, the obstacle investigations also emerged consequence development more technology fast compared to development regulations law. Mode of action criminal moment This Lots utilizing digital platforms, social media, applications encrypted, and network difficult cross- country tracked. In condition Thus, the authorities Police need access against electronic data certain in order to reveal perpetrator action criminal. However, the process of obtaining the data often constrained rule privacy, jurisdiction across countries, as well as limitations Work The same with organizer system electronic foreign.

Another obstacle that is quite significant is Not yet existence standard operational uniform procedures (SOP) related personal data management in the investigation process. In practice, the mechanism collection, storage, use, up to destruction of personal data results investigation Not yet fully arranged in a way detailed and integrated. As a result, there is potential difference treatment between apparatus and unit Work in handle personal data, which ultimately can cause uncertainty laws and violations to principle personal data protection.

Next, the low awareness law public related personal data protection is also becoming obstacle alone. Many people have not understand their rights on personal data so that easy give information personal without notice risk abuse. On the other hand, society also often put suspicion regarding the data collection process by the authorities enforcer law Because worried about their data will misused. Condition this can hinder the investigation process, especially in get information and work the same from public.

Obstacle other related with supervision and accountability in use of personal data by authorities enforcer law. In some case, still found suspicion abuse data access, distribution information case, and action officers who do not in accordance procedures. Weakness internal supervision and mechanisms accountability can

¹⁹Law Number 27 of 2022 concerning Personal Data Protection, Article 35 and Article 36

cause implementation authority investigation walk No professional and potential violate right basic man.²⁰

In perspective right basic human, obstacles investigations also emerged consequence existence tug-of-war interest between need enforcement law with protection right privacy individual. Apparatus enforcer law need data access for reveal action criminal in a way effective, but on the other hand every citizen have right on personal data protection and privacy as guaranteed in constitution. Imbalance between second interest the can trigger occurrence action repressive and violation right privacy if no arranged in a way proportional.

Therefore that, for overcome various obstacle the required harmonization regulations between criminal procedure law and laws Personal Data Protection, improvement capacity apparatus enforcer law in the field of technology information, reinforcement system data security, as well as establishment of clear SOPs related personal data management in the investigation process.²¹In addition, internal and external supervision to use of personal data by authorities the police also need to strengthened to ensure accountability and protection right basic man.

With Thus, the obstacles investigation action criminal general in perspective personal data protection No only nature technical, but also includes aspect regulations, sources Power people, technology, surveillance, and protection right basic human beings. Therefore that, is necessary effort improvement in a way thorough investigation process can walk effective without ignore right privacy and personal data protection public.

b) Resolution Efforts Investigation Action General Crimes in Perspective Personal Data Protection

Resolution efforts investigation action criminal general in perspective personal data protection is step strategic aim create balance between interest enforcement law and protection right privacy society. Development technology increasing information rapidly led to the investigation process No Again only depends on the tool proof conventional, but also involves use of electronic data and personal data in amount big. Therefore that, is necessary mechanism capable solution ensure effectiveness investigation at a time give protection regarding personal data in accordance with principle right basic humans and provisions regulation legislation.²²

²⁰Soerjono Soekanto, *Factors Influencing Law Enforcement* , (Jakarta: RajaGrafindo Persada, 2014), pp. 19–21

²¹Sinta Dewi Rosadi, *Protection of Privacy and Personal Data in the Digital Economy Era in Indonesia* , (Bandung: Refika Aditama, 2018), pp. 88–92

²²Edmon Makarim, *Introduction to Telematics Law* , (Jakarta: RajaGrafindo Persada, 2005), pp. 148–154

One of effort main thing that is needed done is harmonization regulations between criminal procedure law with regulation about personal data protection. Criminal Procedure Code as base implementation investigation and inquiry need customized with development digital technology and provisions in Constitution Number 27 of 2022 concerning Personal Data Protection. Harmonization regulations the it is important that the authorities enforcer law own clear guidelines about limitations, procedures, and mechanisms use of personal data in the investigation process. With existence synchronization rules, then implementation authority Police can done legally, proportionally, and not contradictory with right privacy public.

Next attempt is formation standard operational special procedures (SOP) arrange personal data management under investigation action criminal general. The SOP must include procedures collection, use, storage, access, distribution, up to destruction of personal data obtained during the investigation process. Clarity procedure This required prevent occurrence abuse authority and personal data leaks by authorities enforcer law. In addition, SOPs can also become guidelines technical to improve professionalism and accountability investigator in operate his duties.

In order to increase quality enforcement law, improvements are also needed capacity source Power man apparatus Police in the field technology information and personal data protection. Investigator must equipped understanding regarding digital forensics, security cyber, electronic data governance, and principles personal data protection. Education and training in a way periodically become it is important that the authorities enforcer law capable face development of modus operandi criminal based technology without violate rights society. With source Power professional human being, investigation process can walk more effective, accurate, and appropriate with principle *due process of law*.²³

4. Conclusion

Authority Police in investigation action criminal law in essence has arranged in the Criminal Procedure Code, Law Police, as well as various regulation legislation others who provide legitimacy to apparatus Police For search and find something alleged incident as action criminal. However, in perspective personal data protection, implementation authority the must still base on the principle legality, proportionality, accountability, and respect to right basic human. Police No can in a way arbitrary access, use, or disseminating personal data somebody without base clear laws Because personal data protection is part from right privacy guaranteed by the constitution and law Personal Data Protection. Implementation investigation action criminal by the police in the practice is closely related with use

²³Widodo, *Criminal Law in the Field of Information Technology Cybercrime Law* , (Yogyakarta: Aswaja Pressindo, 2013), pp. 102–107

of personal data society, good in the form of identity, communication electronics, digital data, CCTV recordings, and information finance. Use of this data of course required for support effectiveness disclosure action criminal law, in particular action criminal base technology and crime organized. However, it is still found various constraint in its implementation, such as Not yet optimally internal supervision, lack of standard data protection in the investigation process, limitations source Power humans and technology, as well as potential abuse authority that can result in leakage and misuse of personal data public.

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