

Juridical Analysis of Voter Data Access Rights Based on Law Number 27 of 2022 Concerning Personal Data Protection

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Abstract

An accurate voter list is a form of guarantee for the implementation of elections to fulfill citizens' voting rights. This can be realized by giving citizens the right of access to information related to the voters list. This research aims to identify what data is in the voters list in updating voter data that can be accessed by the parties in organizing elections and is able to solve the problem of security and accuracy of the voters list. This research method uses normative juridical research, which is a type of method in solving legal problems by using methods of study and analysis through written legal sources such as legislation. based on the results of the research, personal data can be used to determine a person's identity or used for both personal and group interests. Therefore, personal data protection is needed to anticipate misuse and privacy violations. One example of personal data protection is by providing access. The right of access in updating voter data is a right where the parties get information related to updating and improving voter data. The parties who are entitled to access in updating voter data include the KPU, Bawaslu and voters.

Keywords: Voter Registration, Update, Access

I. Introduction

Elections are organized to create a democratic country (Primadi et al., 2019). This is in line with Article 2 paragraph (1) of the 1945 Constitution in which the sovereignty of the state is in the hands of the people. The holding of general elections is an achievement in itself for the government in building a country because it involves citizens. Strengthening citizen participation in general elections is an issue that is quite interesting in the process of state development, especially democratic countries such as Indonesia. However, general elections are not only a place to elect state leaders, but also determine political changes related to the direction of public policy that will determine the future system of a country.

Discussing the participation of citizens in the holding of general elections has been regulated in the 1945 Constitution regulates the political rights of citizens in the holding of general elections, namely the right to vote and the right to be elected (Izzaty & Nugraha, 2019). The right to vote is legally regulated in Article 27 paragraph (1) of the 1945 Constitution which explains that all positions and interests of citizens in law and government must be equal without exception. Meanwhile, the right to be elected is stated in Article 28D Paragraph (3) of the 1945 Constitution, which explains that every citizen has the right to obtain equal opportunities in government. Based on this article, it can be interpreted that the general election does not see a difference in citizens related to the right to choose and vote, all have the same rights in government. Therefore, it is necessary to maintain the values of equal political rights of citizens in determining the

voters list with the aim that citizens have equal rights and positions in the development of the nation and state.

During the implementation of elections, it is necessary for the parties to communicate with each other in the electoral system, including election participants, election organizers and citizens who have the right to vote (Voters) (Riwanto et al., 2019). Based on Law Number 7 Year 2017 on General Elections, it explains that Election Participants are political parties for the election of DPR members, provincial DPRD members, district / city DPRD members, individuals for the election of DPD members, and candidate pairs proposed by political parties or a combination of political parties for the election of the President and Vice President. Election Organizer is an institution that organizes elections consisting of the General Election Commission, the Election Supervisory Board, and the Honorary Board of Election Organizers as a unit of the function of organizing elections to elect members of the House of Representatives, members of the Regional Representatives Council, President and Vice President and to elect members of the Regional Representatives Council directly by the people. Voters are Indonesian citizens who have reached the age of 17 (seventeen) years or more, have married, or have been married.

In a democracy, the cycle can be seen from the voter list (Prof. Dr. Zainal Arifin Hoesien, S.H., M.H. & Arifudin, S.H., M.H., 2017). In every election, the electoral roll is the first stage in the formation of a democracy. Voter lists are very important in elections because they can guarantee the right to vote that is applied to every citizen in a democratic country (Udin, 2021). In establishing a democratic country, an accurate and up-to-date voter list is required. Therefore, voter data updating must be done comprehensively. Voter data updating has enormous benefits, including creating transparency, facilitating election planning, reducing the possibility of illegal ballot changes and many other benefits. The updating of voter data by the KPU must pay attention to the principles of equality, truth and currency because it is the basis for exercising the right to vote (Kartoni, 2022).

An accurate voter list is a form of guarantee for the implementation of elections to fulfill citizens' voting rights. One of the requirements for voters to exercise their right to vote is to be listed on the voters list. Therefore, if a voter has been listed in the voters list, then the voter has a guarantee to be able to exercise their right to vote in the election. However, if there are voters who have not been listed in the voters list, then voters cannot exercise their right to vote (Manalu et al., 2022). Voter lists play an important role in elections. Therefore, the transparency and oversight of the voters list is a very important concern. One of the measures that can be implemented to guarantee transparency and oversight of the voters list is to give citizens the right of access to information related to the voters list.

Giving citizens the right to access data in the voters list is very important because the voters list often contains incorrect voter data. Therefore, before it is determined to be the permanent voter list (DPT), it is necessary to check the voter data so that the voter data can be corrected. However, there are still many instances of citizens losing their right to vote because they are not registered in the DPT. This can occur due to the low level of effectiveness of voter registration. Factors that cause the lack of effectiveness of voter registration include citizens' lack of understanding of registering themselves as voters,

difficulties in updating personal data and low transparency in registering. Therefore, to ensure that everyone can exercise their right to vote without discrimination, the right to access data in the voter register must be regulated and protected. In this way, public confidence in the fairness and integrity of elections can be well maintained.

According to article 2 paragraph (11) of the General Election Commission Regulation Number 7 of 2022 concerning the Compilation of Voter Lists in the Implementation of General Elections and Voter Data Information Systems, the voter list must have the principle of accessibility, which can be accessed by the public. However, providing data access to the voters list needs to be limited and regulated by applicable laws and regulations. In providing access to voter data, it is only devoted to parties who have clear interests, including voters, election officials and organizations that have an interest in updating voter data. The general election commission (KPU) as the election organizer must ensure that the voters list can be accessed by the public in a transparent and open manner.

In providing access rights to voter data, the KPU must pay attention to the security of voter data. Therefore, the KPU must be guided by Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). The PDP Law regulates that the personal data of each individual must be protected. The law provides a legal basis for protecting information in the collection, processing and use of personal data by authorized parties in the implementation of elections. Therefore, personal data protection regulations are very important to understand in the scope of elections. One of the important points discussed in Law Number 27 of 2022 concerning Personal Data Protection is the right of access obtained by each individual regarding personal data in the voter list. The law regulates that every individual has the right to obtain information related to their personal data collected, processed and used by election organizers.

The right of access is in line with the principle of transparency set out in the PDP Law, which guarantees that individuals have control over their personal data and the validity of data related to their participation in elections. In addition, this law also regulates the obligation of election organizers to protect personal data in the voters list. Election organizers must implement a good security system to prevent unauthorized access to the voters list.

One example of a case of access rights reported by Kompas.com, the Election Supervisory Agency (BAWASLU) said that it was not given permission to access data in the voter list by the General Election Commission (KPU) as a reference in the voter data updating process carried out by the Voter Data Updating Officer (PANTARLIH) from February 12 to March 14, 2023. According to Bawaslu chairman Rahmat Bagja said that Bawaslu is one of the state institutions organizing elections. However, not given access by the KPU (Media, 2023). In addition, he said that Law Number 7 Year 2017 on elections is not directly regulated related to pantarlih given data access by the KPU. He considered that the KPU had no logical reason not to provide data access to Bawaslu, including on the grounds of personal data protection. If the privacy rights of citizens become an issue, then the KPU has the authority to close confidential data before sharing it with Bawaslu.

Based on the above problems, it can be concluded that in accessing data in the voters list, research is needed related to Voter Data Access Rights. Before conducting research, considerations are needed in analyzing personal data protection policies, including in updating voter data, it must be clear who has the right to access voter data. This needs to be considered to anticipate the misuse of voter data by irresponsible parties. In addition, in the data verification process, clear provisions are needed regarding handling in the process of updating voter data. Finally, clear procedures are needed for monitoring and enforcing security regulations to protect voters' personal data in the voter list.

Based on the explanation above, previous research is needed as a basis for compiling the scientific article. In addition, previous research is needed to act as a comparison with the research being studied. The first research was conducted by Nurhidayati, Sugiyah and Kartika Yuliantari (2021) with the title “Personal Data Protection Arrangements in the Use of the Peduli Lindungi Application”. This study aims to determine the regulations applied to protect people's personal data through the Peduli Lindungi application. The method used in this research uses a qualitative descriptive method and it can be concluded that the protection of personal data applied through the Peduli Lindungi application has no specific regulations governing the protection of personal data based on the fields of Information and Communication Technology, Health and Population Administration Implementation.

The next research was conducted by Sarfan Tabo, Andi Agustang, Andi Muhammad Idkhan, Muten Nuna and Ramli Mobonggi (2021) with the title “Analysis of the Voter List Updating Process in the 2019 Election in Gorontalo Regency”. This study aims to analyze the process of updating the voters list in the 2019 Election Permanent Voters List (DPT) at the Gorontalo Regency KPU. The method used in this research uses a qualitative method and it can be concluded that there are voters who have not been registered in the permanent voter data, late archive delivery and pantarlilh in carrying out their duties in archiving are not in accordance with the archive series procedure.

The last research conducted by Ismiati Nurul Habibah and Safuan (2022) with the title “The Use of Sustainable Voter Data Information System Applications (SIDALIH) to Realize an Accurate and Up-to-Date Voter List”. This study aims to determine how effective the Continuous Voter Data Information System (SIDALIH) application is in creating an accurate and up-to-date voter list at the North Jakarta General Election Commission (KPU) Office. The method used in this research uses a qualitative description method and it can be concluded that the use of the SIDALIH application is considered efficient and can assist the implementation of updating sustainable voter data.

What distinguishes my research from previous research is that previous research discussed the protection of personal data in an application and the mechanism for updating the voters list. Meanwhile, my research discusses what data is in the voter list in updating voter data that can be accessed by the parties in organizing elections and regulations regarding security and supervision during the voter data updating process to protect voter data in the voter list.

This research aims to identify what data is in the voters list in updating voter data that can be accessed by the parties in organizing elections and is able to solve the problem of security and accuracy of voter data contained in the voters list.

Problem formulation

1. The form of standard personal data protection regulations governing access rights that apply in Indonesia
2. Arrangements related to the right of access to voter data by the parties in updating voter data based on Law Number 27 of 2022 concerning Personal Data Protection.

Research questions

1. What are the standard forms of personal data protection regulations governing access rights that apply in Indonesia?
2. How is the regulation related to the right of access to voter data by the parties in updating voter data based on Law Number 27 of 2022 concerning Personal Data Protection?

SDGs Category: <https://sdgs.un.org/goals/goal16>

II. Method

This research uses normative juridical research metode, which is a type of method in solving legal problems using a method of study or analysis through written legal sources such as legislation. This research uses a statutory approach (Statute Approach) where this approach is based on a review of all laws and regulations relating to voter lists. Primary data used in conducting this research include Law Number 7 of 2017 concerning elections, General Election Commission Regulation Number 7 of 2022 concerning the Compilation of Voter Lists in the Implementation of General Elections and Voter Data Information Systems, Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of electronic systems and transactions, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. In conducting statutory studies, Law Number 27 of 2022 concerning Personal data Protection as a standard in accessing the voters list. The research did not use the website of the voter data information system (Sidalih) as a reference in conducting this research. In addition, this research uses secondary data where this data is obtained from literature studies in the form of journals, books, documents and writings of legal experts that are useful in solving problems in this research.

III. Results and Discussion

*A. Standard Personal Data Protection Regulations Governing Access Rights
Applicable in Indonesia*

The definition of personal data is data related to a person's characteristics such as name, age, gender, education, occupation, address and position in the family. Another definition of personal data is data that contains information such as identity, symbols, codes or personal identifiers of a person that is confidential (Khansa, 2021). Personal data is valuable data that is of interest to others to be used either in crime or so on. Personal data can be used to determine a person's identity or used for both personal and group interests. Therefore, personal data protection is needed to anticipate misuse and privacy violations. In realizing this, it is necessary to have standards in the protection of personal data applied. Personal data protection standards for data owners/personal data subjects that include:

- Personal data subjects have the right to obtain access to a copy of their personal data in accordance with the provisions of laws and regulations.
- Personal data subjects have the right to obtain information concerning the party processing their personal data and the purposes of the processing.
- Personal data subjects have the right to authorize or object to the processing of their personal data
- The personal data controller shall conduct supervision during the processing of personal data
- Personal data controllers shall protect personal data belonging to personal data subjects
- Processing of personal data may only be carried out by parties that have been legally authorized by statutory provisions.

The understanding of rights itself is an interest of a person to get protection from things that can harm a person. This can happen because everyone wants their rights to be recognized and not limited by anyone with the intention that their interests can be fulfilled. Therefore, the right itself does not only explain the interest or protection, but also the will of a person (Syailendra, 2021). Rights have characteristics such as: (1). Rights are intrinsic: Rights are something that is inherent in a person from birth. Therefore, a person's rights cannot be taken away by force because it can eliminate a person's degree, (2). Rights are universal: Rights can apply wherever they are and regardless of differences in ethnicity, race, religion and others, (3). Rights cannot be revoked: Rights cannot be revoked or forcibly eliminated by anyone, (4). Rights are permanent: Rights are permanent and cannot be shared by others because they already have their own rights, (5). Rights cannot be inherited: Rights cannot be inherited by others because they are inherent in a person from birth, (6). Rights must not be violated: Everyone's rights must be respected, upheld and protected by the state.

The rights protected under the personal data protection mechanism cover “natural persons” not “legal persons”. The right to personal data protection stems from the right to respect for one's privacy, which can be referred to as the right to private life (Niffari, 2020). Personal data protection is interconnected with the concept of privacy. The concept of privacy is a thought to maintain personal dignity. Privacy in general can be said to be a human rights law, while personal data is the identity that each individual has. The reasons why privacy rights are very important to protect include: (1). Anticipating violations of one's privacy, (2). Avoiding defamation of a person, (3). Minimizing the occurrence of fraud crimes (Kusnadi, 2021). Therefore, personal data protection is an effort to maintain the honor of the human rights of every citizen. If a party deliberately collects personal data belonging to another person, then distributes the data without the knowledge of the data owner, then this can be categorized as a crime against a person's right to privacy (Sholichah & Rumaisa, 2019).

One of the efforts to maintain one's privacy is by providing legal certainty in the form of guarantees for the protection of privacy data placed in a legal instrument that has the highest position, namely the 1945 Constitution of the Republic of Indonesia. Article 28G paragraph (1) of the 1945 Constitution explains that “Everyone has the right to protection of self, family, honor, dignity, and property under their control, and is entitled to a sense of security and protection from threats of fear to do or not do something that is a human right”. The article explains that the guarantee of privacy protection is a mandate that has been given to state administrators, especially with regard to the protection of personal data of every citizen. However, the reality is that the guarantee of personal data protection is still not going well, even though legislation has been made relating to the protection of personal data of every citizen. In addition, legal certainty (the principle of legality) is very important and cannot be ignored in law enforcement carried out by every country. Actions taken by the state in ensuring legal certainty in protecting the personal data of every citizen.

Personal data protection law generally includes procedures for securing personal data and permitting the use of personal data by others in accordance with applicable regulation (Nurmalasari, 2021). Therefore, with the establishment of good personal data protection, it will give citizens confidence in using their personal data for the public interest without misusing their data and not violating their privacy rights. In addition, information disclosure can provide guarantees for personal data controllers in carrying out their duties in accordance with legal provisions in order to resolve problems in the use of personal data. Therefore, it is necessary to strengthen and improve several lines, including in terms of regulations and strengthening aspects of the institutional structure (Pratiwi P et al., 2022).

In order to ensure proper protection of personal data, the Owner of personal data has the right to personal data. Therefore, access is required in personal data. Based on the context of electronic systems, access refers to the rights and capabilities of users in interacting with data. Access rights are rights obtained from personal data controllers, implementing agencies and data owners to provide information or identity of a person in accordance with laws and regulations. Access rights include the ability to access, process and use personal data carried out directly or through a network. Therefore, an understanding of accessing personal data is important and the procedures for using

personal data must be in accordance with the policies made by the relevant agencies in charge of overseeing the data. Policies are made to protect data from misuse and data theft.

Before getting access to personal data, the data user must first understand the applicable policies and conditions. The understanding includes the rights and obligations of the data owner and the steps that must be taken in the event of a policy violation. This includes an understanding of anticipating data leaks to other parties and not giving access to third parties without the consent of the data owner. To anticipate this happening, strict regulations are needed to regulate the parties allowed to access data, including Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of electronic systems and transactions and Law Number 27 of 2022 concerning personal data protection.

Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions gives more attention to the right of access to a person's personal data. This has been stated in Article 26 of Law Number 19 of 2016 concerning ITE, which explains that “Unless otherwise provided by laws and regulations, the user of any information through electronic media concerning a person's personal data must be done with the consent of the data owner concerned”. In this article, it can be interpreted that every individual has full rights to their data. Therefore, if there are parties who want to use people's personal data, they must obtain the consent of the data owner concerned (Hisbulloh, 2022). This consent must be done voluntarily and without coercion from the parties. In addition, the consent must pay attention to the principle of prudence and not interfere with the rights and obligations of the data owner concerned.

Article 26 of the ITE Law emphasizes that parties using personal data must comply with applicable laws and regulations. One of the parties is the personal data controller in charge of collecting, processing and storing a person's personal data appointed based on applicable laws and regulations. The personal data controller in using personal data must convey openly to the data owner such as changing, updating data, deleting data or limiting the use of data. The personal data controller in processing personal data must be in accordance with the applicable provisions and submit clear and complete information regarding the use of a person's personal data. If there is a violation of the right of access, a lawsuit can be filed as referred to in Article 26 paragraph 2 which reads “may file a lawsuit for losses incurred under this Law”.

Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions was made to regulate several provisions in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions which were stipulated with the aim of providing guarantees and recognition of the rights and freedoms of others by considering security and public order in a society that focuses on the implementation of electronic systems. One of the rights guaranteed by Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions is related to access rights.

The regulation explains the definition of access rights as the right given to personal data users to access and control data in a system, database and electronic application. In addition, personal data controllers are required to provide access to personal data. This has been regulated in article 21 paragraph (3) which explains “Private Scope Electronic System Operators are required to provide access to Electronic Systems and Electronic Data in the context of supervision and law enforcement in accordance with the provisions of laws and regulations”. The article explains that personal data controllers who have authority in electronic system organizers must provide data access to data owners who have the authority to monitor personal data. This step is taken with the aim of ensuring system security in a person's data and anticipating misuse from unauthorized parties. Access rights have a very important role in maintaining the owner's data.

With controlled access rights, personal data controllers can ensure that personal data users can access information, update data and conduct transactions in the system. In addition, access rights can help personal data controllers limit user rights according to their respective responsibilities, roles and interests. That way, the personal data controller only grants access rights to users in accordance with the applicable regulations.

Law No. 27 of 2022 on the protection of personal data (UU PDP) was created as a legal basis regarding the protection of personal data of every individual. UU PDP recognizes that individuals have rights that must be fulfilled in relation to their personal data, one of which is the right of access. The right of access is one of the most important rights that UU PDP guarantees to every individual. Article 7 of the PDP Law regulates this right of access, where the data owner / Personal Data Subject has the right to gain access and obtain a copy of Personal data about him in accordance with the provisions of laws and regulations. This article explains that every individual has the right to gain access to personal data. Meanwhile, the relevant parties, in this case the personal data controller, must provide adequate access requested by the personal data subject and must be limited in providing the data which has been regulated in this law. The controller of personal data itself is any person, public body and international organization acting individually or jointly in determining the purposes and exercising control over the processing of personal data.

The granting of access rights must be carried out in accordance with the provisions of the PDP Law. The provisions referred to include the collection, processing, storage and use of such data. The personal data controller shall provide access to the personal data subject to the Personal data processed as well as a track record of the processing of the personal data in accordance with the period of storage of the Personal data no later than 3 x 24 (three times twenty-four) hours from the time the personal data controller receives the request for access. In addition, granting access rights enables personal data subjects to control and be involved in the processing of their own personal data. The personal data subject can check, verify and update the personal data belonging to them that is stored by the personal data controller with the aim that the personal data can be protected from misuse by the parties. This has been regulated in Article 16 paragraph (2) letter (e) of the PDP Law which states “Processing of personal data is carried out by protecting the security of personal data from unauthorized access, unauthorized disclosure, unauthorized alteration, misuse, destruction, and/or erasure of personal

data”. The establishment of regulations related to access will provide great benefits in creating order and progress in the information society and guaranteeing the rights of personal data owners.

In providing access to personal data, it is the personal data subject who knows the types of personal data that can be accessed. This has been explained in Article 4 of Law Number 27 of 2022 concerning Personal Data Protection which regulates the types of personal data that must be protected, consisting of general personal data and specific personal data. The difference between general and specific personal data is in the type of information contained in each type of personal data.

General personal data is open personal data that can be known by the public to determine a person's identity. In Article 4 paragraph (3), general personal data includes full name, gender, nationality, religion, marital status and personal data combined to identify a person. Meanwhile, specific personal data is personal data that in the processing of data can cause greater problems to the personal data subject of criminal acts or large losses.

In most PDP laws, there is no standardized definition of sensitive personal data. However, the law only provides specific types of personal data. According to Article 4 paragraph (2), specific personal data includes health data and information, biometric data, genetic data, criminal records, child data, personal financial data and other data in accordance with the provisions of laws and regulations.

A data can be said to be sensitive data when the processing requires higher protection compared to general personal data, including requiring reasonable grounds before processing the data. To determine what personal data is classified as sensitive personal data, it can be seen from the policies governing the types of data contained in human rights instruments and policies in the legislation of each country that uphold the right to protect the data of every citizen. Often sensitive data becomes the basis for problems either carried out by a person or a group of people. Therefore, specific personal data must receive protection with the aim of minimizing the occurrence of errors in the processing of sensitive data relating to the risk of rights, interests and fundamental freedoms of the data subject, especially with regard to the greater risk of crime.

Based on the type of personal data, it can be interpreted that the controller of personal data can only provide access rights to general personal data to personal data subjects. General personal data is usually used for administrative purposes such as the creation of identity documents, registration of educational institutions and others. Meanwhile, specific personal data can only be provided by the personal data controller when obtaining consent from the personal data subject or personal data can be provided based on statutory provisions. Specific personal data receives special treatment in the Personal Data Protection Law, such as the obligation of the personal data controller to conduct a data protection impact analysis in the case of processing personal data that poses a high risk to the personal data subject. Therefore, the processing of specific personal data must be carried out with care to protect the personal data subject.

However, the utilization of personal data must refer to the principles of personal data protection which include limited, specific, lawful and transparent. In the utilization of personal data, the personal data controller must ensure that the privacy rights of the

personal data subject are violated. Therefore, the personal data controller must obtain prior permission from the personal data subject before using the personal data. The utilization of personal data must pay attention to the legal basis governing the use of personal data. In the event of a violation related to the privacy rights of the personal data subject, the personal data controller may be sentenced in accordance with the provisions of Law No. 27 of 2022 on Personal Data Protection in the form of written sanctions, fines or other penalties in accordance with statutory provisions.

B. Regulations Related to The Right of Access to Voter Data by The Parties in Updating Voter Data Based on Law No. 27 Of 2022 Concerning Personal Data Protection

Voters are everyone who has the right to vote according to their conscience. Hans Kelsen argues that the right to vote and the right to be elected are the rights of individuals who participate in the organization of elections by casting their votes. Voting rights can be said to be the political rights of citizens. Political rights are defined as the right to participate in the development of the country. With the right to vote, everyone indirectly takes part in the development of the country.

Political rights are an important part of the formation of a democratic state. The principle of democracy itself guarantees citizens in the decision-making process. Therefore, every decision related to legislation must be enforced and its application must reflect the justice of every citizen. In the application of applicable laws and regulations, they should not be applied and enforced only for the benefit of certain parties or the interests of the authorities, but for the benefit of all citizens. This can tarnish the principle of democracy because the ideals of the rule of law (*rechtsstaat*) that are applied are not absolute *rechtsstaat*, but a democratic state (*demokratische rechtsstaat*). Every country that adheres to democracy must guarantee that the administration of the state must be based on the law.

The right to vote and to be elected is a component in the state administration that contains the constitutional rights of citizens as one party, while the organizers of elections as a party that is always required to have quality, namely the quality of professional election administration and the quality of service to the constitutional rights of citizens who have the right to vote. Both of these things must run in harmony. If in its implementation if a problem arises between the two, then the fulfillment of the constitutional rights of citizens must take precedence because as a means of implementing popular sovereignty, the meaning of elections is to fulfill the rights of citizens as voters. Therefore, the fulfillment of the right to vote and the right to be elected should not have problems, especially election administration problems. Thus, the right to vote and the right to be elected must still be carried out by following the provisions in electoral administration as long as the aim is to avoid the emergence of abuse of rights that can lead to the loss of electoral integrity.

The form of guarantee for citizens in exercising their right to vote is the registration of citizens in the voters list. According to Article 1 paragraph (25) of the General Election

Commission Regulation Number 7 of 2022 concerning the Compilation of the Voters List in the Implementation of General Elections and the Voters Data Information System explains that “The Voters List is the Voters data compiled by the Regency / City KPU based on the results of comparing the list of permanent voters of the last election or election which is updated on an ongoing basis with DP4 to be used as material in updating”. This is because the requirement for voters to exercise their voting rights is that their names have been registered in the voters list. If voters have been registered in the voter list, then on the day of voting they get their voting rights. Likewise, if voters have not been registered in the voters list, then they are in danger of not being able to use their voting rights.

In compiling an accurate voter list, it must meet the quality standards of the voter list. This is done to provide a guarantee to voters in exercising their right to vote. This standard has two parts, including the standard of democratic quality and the standard of technical expediency. In the democratic quality standard section, the voters list should have two scopes, namely voters who have met the specified requirements to be included in the voters list and the equipment available in compiling the voters list. Meanwhile, in the technical expediency standard, the voters list should have three scopes, including being able to be compiled accurately, the voters list can be updated and is easily accessed by the authorities in the organization of elections.

Voter registration is an important part of organizing elections. The voters list is used to identify and collect data for citizens who have met the requirements to become voters. In determining voters who have met the requirements must be in accordance with the provisions in the legislation. Article 4 of the General Election Commission Regulation Number 7 of 2022 concerning the Compilation of Voter Lists in the Implementation of General Elections and Voter Data Information Systems explains the requirements that must be met by voters to be registered in the voter list, among others: a. even 17 (seventeen) years of age or more on the day of voting, already married, or have been married, b. not being deprived of their voting rights based on a court decision that has permanent legal force, c. domiciled in the territory of the Republic of Indonesia. domiciled in the territory of the Unitary State of the Republic of Indonesia as evidenced by KTP-el, d. domiciled abroad as evidenced by KTP-el, Passport and / or Travel Document as Passport, e. in the event that the Voter does not have KTP-el as referred to in letter c and letter d, can use the Family Card; and f. not being a soldier of the Indonesian National Army or a member of the Indonesian National Police.

Before compiling the voters list, the KPU must consider aspects of voter data protection. Therefore, in collecting data, it must be guided by Article 16 paragraph (2) letter (a) of Law Number 27 of 2022 concerning Personal Data Protection which reads “Personal data collection is limited and specific, legally valid, and transparent”. From the aspect of limited and specific personal data collection, voter data collection must be limited to what data is used for the voters list. The voter data collected must be in accordance with the provisions in the voter data collection and the needs that have been determined. Furthermore, from the aspect that the collection of voter data must be legally valid, the collection of voter data must have a legal basis and fulfill the applicable legal provisions, including in general election regulations and personal data protection regulations. Meanwhile, from the aspect of collecting voter data transparently. KPU must provide information in an open and easy-to-understand manner regarding the collection of voter

data to voters. The information can be provided through notification from the KPU or by providing access to voters.

In the stages of preparing the Voters List, it starts from the stage of collecting data on prospective voters, verification and determination of prospective voters. The implementation of the preparation of the voters list until it becomes DPT has many obstacles that must be faced by the KPU (Zairudin & Jadid, 2021). One of the obstacles that the KPU must face is the limited human resources where the KPU as the election organizer is required to have adequate human resources in determining the DPT. Limited human resources can cause the DPT determination process to be hampered or inaccurate. Therefore, KPU needs to coordinate with the Ministry of Home Affairs in providing population data to compile a list of potential election voters (DP4). In providing population data throughout Indonesia, the Ministry of Home Affairs at the central level (kemendagri-KPU central). The district/city Population and Civil Registration Office (dispendukcapil) has no right to provide population data to the district/city KPU. The Ministry of Home Affairs guarantees access to population data to the KPU for the purpose of the voter list database. This is stated in Article 12 PKPU No.7 of 2022 Compilation of Voters List in the Implementation of General Elections and Voters Data Information System which explains "The Ministry of Home Affairs and the Ministry of Foreign Affairs must submit DP4 and DP4LN to KPU no later than 14 (fourteen) months before the voting day". DP4 contains Sequence Number, NIK, KK Number, Full Name, Place of Birth, Date of Birth, Gender, Marital Status, Street Address / village or other designations, RT, RW, Variety of Disabilities and KTP-el Recording Status. In addition, the KPU in compiling the voter list also uses the previous election voter data as comparison data which will then be managed by the Voter Data Information System (SIDALIH). In the process of processing voter data, it will be assisted by technology to create a voter list that will later be updated by PPS and Pantarlih.

Before updating voter data, we must first know what updating voter data is. According to article 1 paragraph (24) of the General Election Commission Regulation Number 7 of 2022 concerning the Compilation of Voter Lists in the Implementation of General Elections and Voter Data Information Systems, it explains that Voter Data Updating is an activity to update Voter data based on DPT from the last General Election and Election, as well as DPTLN which is juxtaposed with DP4 and updating voter data carried out by the Regency / City KPU with the assistance of PPK, PPLN, PPS, and Pantarlih so that the implementation of updating voter data can run according to a predetermined schedule. The purpose of updating voter data is to ensure that all voters are registered in the DPT, ensure the accuracy of the voters list in accordance with the actual voter data, ensure that in the DPT there are no citizens who do not meet the requirements and provide services to voters in exercising their voting rights (N. K. Wibowo, R. Sulistiowati., 2020).

In updating voter data, the KPU corrects voter data, including name, place and date of birth, age, gender, address and polling station placement. Voter data updating is accompanied by the inclusion of new voters and additional voters in the DPS. New voters are voters who have met the minimum age limit for voters, but are still not registered as voters. Meanwhile, additional voters are voters in the previous election who have not been registered as voters. According to Article 17 paragraph (3) of the General Election

Commission Regulation Number 7 of 2022 concerning the Compilation of the Voters List in the Implementation of General Elections and the Voters Data Information System, the KPU in carrying out its duties in updating voter data must be completed no later than 3 (three) months after the KPU receives DP4. DP4 contains data on potential voters who at the time of implementing the election have met the minimum requirements of 17 (seventeen) years of age or have been or have been married which at least contains sequence number, NIK, KK number, full name, place and date of birth, gender, address and legal marital status. After the updating is done, the next step is to re-announce the DPS from the corrected results after the updating is completed. The first stage of the announcement refers to the announcement from the sub-district PPK on the DPS that has just been obtained from the regency/city KPU. The regency KPU has received DP4 from the regency/city government to update the DPS that has been received previously. This announcement step is carried out with the aim that citizens can provide suggestions and input related to the DPS before it is determined to be the DPT. That way, voters can find out whether they are registered or not in the temporary voters list that has been announced (Ifdal et al., 2018). The things that need to be considered by the KPU in updating voter data can be seen based on the table 1.

Table 1. Provisions for updating voter data

No	Provisions for updating voter data	Description
1	The subject of personal data has the right to obtain access in the form of a copy of personal data in accordance with the provisions of laws and regulations.	KPU as the controller of personal data must provide facilities for voters to be able to access their owner's data by creating an official website owned by KPU to check voters are registered in the DPT.
2	Personal data subjects have the right to obtain information about who is processing their personal data and the purposes of the processing.	The KPU is obliged to socialize to the community regarding the formation of voter data updating officers (PPDB) whose task is to correct voter data if errors occur. Voter data updating officers come from PPK, PPS and Pantarlih.
3	Personal data subjects have the right to authorize or object to the processing of their personal data.	During the voter data updating process conducted by the PPDB, voters have rights regarding whether or not their data can be changed.

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|---|---|--|
| 4 | The personal data controller shall conduct supervision during the processing of personal data | KPU as the Controller of voter data must provide access by Bawaslu as a supervisor in voter data. By getting access to updated data as a basis for Bawaslu in supervising the updating of sustainable voter data. Bawaslu has the opportunity to carry out its duties as an election supervisor. |
| 5 | Personal data controllers shall protect personal data belonging to personal data subjects | KPU is obliged to protect voter data by limiting access to voter data. This is done to protect voter data from irresponsible parties. |
| 6 | The processing of personal data may only be carried out by parties that are legally provided for in statutory provisions. | During the process of updating voter data, it can only be done by the PPDB that has gone through the selection conducted by the KPU. |
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Voter data updating in elections is a very important process in a democracy. In updating voter data, access rights are needed to ensure that the voter data is correct. The right of access in updating voter data is a right where the parties get information related to updating and correcting voter data by adhering to the election principles of direct, general, free, secret, honest and fair (LUBER JURDIL). The parties who are entitled to access in updating voter data include the KPU, Bawaslu and voters.

During the updating of voter data, the parties must pay attention to several provisions in the right of access, including officers who have been trained and have met the requirements set out in the voter data updating process must be given access to voter data and citizens who have met the requirements and have registered as voters must be given access to voter data. In granting access rights, the KPU must guarantee that the process of updating voter data must be open and accessible. However, the right of access in updating voter data must comply with several regulated provisions so as not to create injustice during elections. These provisions, among others, must be based on applicable laws and regulations and protect voter data during the updating of voter data.

Voter data updating is the process of updating and compiling the voters list conducted by the KPU in general elections. This process is very important to do because voter data is related to the stages in the election. Therefore, in updating voter data, the KPU must pay attention to the protection of personal data contained in the voter data registered in the DPT. The KPU must process personal data properly and ensure that voter data is not misused. This has been explained in Article 38 of Law Number 27 of 2022 concerning Personal Data Protection which reads “Personal Data Controllers must protect Personal

Data from unauthorized processing”. The article means that the personal data controller is obliged to protect the personal data of each voter during the unauthorized voter data updating process carried out by the KPU. This aims to ensure that the voter data that is updated by the KPU remains accurate. With this provision, it is expected that voters' personal data can be protected and personal data owners feel safe in providing their personal data information.

During the process of updating voter data, supervision is needed to minimize errors during the voter list improvement process. Law Number 7 Year 2017 on General Elections explains Bawaslu's duties as a supervisor in the process of updating voter data, which is a manifestation of the lawmakers about the importance of updating accurate voter data during elections (Hazamuddin et al., 2023). In updating voter data to obtain accurate data, the KPU must supervise the voter list to minimize the misuse of the voter list by irresponsible parties. Therefore, the KPU appoints the task of supervision to Bawaslu. This has been regulated in Article 37 of Law Number 27 of 2022 concerning Personal Data Protection which reads “The Personal Data Controller is obliged to supervise every party involved in the processing of Personal Data under the control of the Personal Data Controller”. According to this article, the KPU as the controller of personal data in carrying out its duties requires supervision in updating voter data under the control of the KPU. In conducting supervision, the KPU appoints supervisory duties to Bawaslu as a supervisory institution in the process of updating voter data.

The form of cooperation between KPU and Bawaslu can improve supervision of the voters list. Bawaslu can ensure that during the process of updating voter data in compiling the voter list with openness, transparency and accuracy in accordance with the provisions of the applicable laws and regulations. This is necessary to maintain the privacy and security of personal information of citizens who have been registered in the voter list to maintain the integrity and validity of organizing elections. This step can ensure transparency of voter list information to increase public trust in the organization of elections, provide protection of voters' personal data for the sustainability of democracy in Indonesia.

Voter data that is continuously updated will raise new problems in the protection of the voting rights of every citizen. The step that can be taken by Bawaslu is to conduct supervision supported by the disclosure of voter data information by the KPU so that Bawaslu can carry out its duties and authorities more optimally in carrying out its supervisory function in providing protection of citizens' voting rights. However, along the way the KPU has carried out the process of updating voter data guided by General Election Commission Regulation Number 7 of 2022 concerning the Compilation of Voter Lists in the Implementation of General Elections and Voter Data Information Systems as mandated in Law Number 7 of 2017 concerning General Elections. However, in the PKPU provisions, the KPU does not provide access to voter data that has been updated / temporary voter lists as explained in Article 61 paragraph (1) PKPU No. 22 of 2022.

The principle of supervision adopted by the KPU can be interpreted that Bawaslu can only get a recapitulation of the results. However, during the process of updating voter data, Bawaslu cannot supervise it. The purpose of the obligation to supervise the updating of sustainable voter data in Article 96 letter (d) of Law Number 7/2017 on General Elections is to oversee the process of updating voter data and its results to

provide accurate, up-to-date and comprehensive data. By not getting access to updated data as the basis for Bawaslu in supervising the updating of sustainable voter data. Bawaslu does not have the opportunity to carry out its duties as a supervisor that has been determined by law because the KPU does not provide access to the voters list.

In organizing elections, not only the KPU and Bawaslu have a role in the process of updating voter data, the role of citizens during the process of updating voter data cannot be ruled out. Citizen participation in the process of updating voter data is intended to maintain the process and results in organizing elections. State institutions that participate in elections can maintain quality and transparency in supporting commitments in organizing elections (Prof. Topo Santoso, S.H., M.H., Ph.D & Dra. Siti Noordjanah Djohantini, M.M., M.Si, 2017). This has also been regulated in Article 32 paragraph (1) of Law Number 27 of 2022 concerning personal data protection which reads “Personal Data Controllers are obliged to provide access to Personal Data Subjects to processed Personal Data along with a track record of Personal Data processing in accordance with the period of Personal Data storage”. The article emphasizes that personal data subjects, in this case voters, have the right to access their voter data that has been updated by the personal data controller, in this case the KPU, which means that voters have the right to obtain information contained in voter data that has been collected and processed by the KPU. In addition, voters must be given access in accordance with the established storage period. In other words, voters have the right to access voter data contained in the voters list as long as the data is still stored by the KPU in accordance with applicable regulations. Voters have the right to request a copy of the temporary voters list (DPS) to the KPU that has been processed and to request information on how the data was processed. This step is taken with the aim of ensuring that their voter data is properly protected and not misused.

KPU is an organization that has the responsibility of managing voter data. Therefore, the KPU provides facilities by creating an official KPU website that can be accessed by voters by visiting the site <https://cekdptonline.kpu.go.id/>. The site provides information related to a person's data who has been registered in the DPT. By creating this site, KPU is committed to ensuring that the elections can be carried out honestly, fairly and transparently. After the voter enters the site, a front page will appear where the voter is told to enter the NIK or password number.

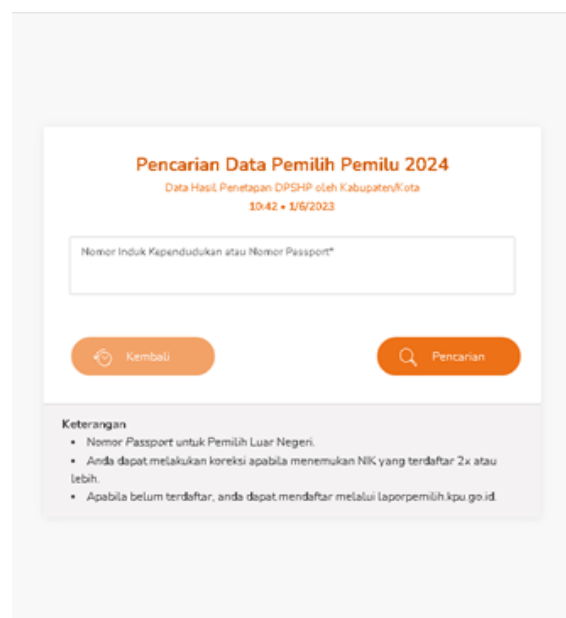


Figure 1. Front page (photo: <https://ckdptonline.kpu.go.id/>)

As can be seen from Figure 1, it shows the front page on the KPU's official website to check voter data. When voters access the page, they are required to enter their NIK or password number. By entering the NIK and password number on the official KPU website, it guarantees that only registered voters can access the voter data. This can help secure voter data and prevent misuse of information. After entering the NIK or password number, a page will be entered which shows that the voter has been registered in the voter list.

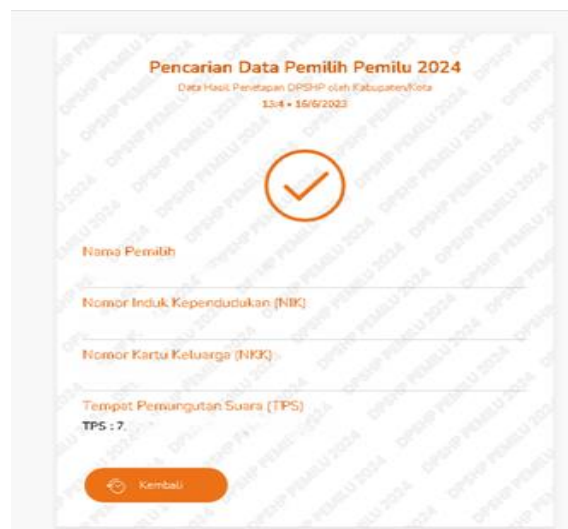


Figure 2. Page if the voter is already registered in the DPT (photo: <https://ckdptonline.kpu.go.id/>)

As can be seen from Figure 2, if the voter has been registered in the voter list, the voter's name and polling station (TPS) will appear according to the data that has been entered. This is important in elections because it ensures that voters can vote appropriately according to the location where they live. If there are voters who have not been registered in the voter list, voters can register independently through the link <https://laporpemilih.kpu.go.id/>.

Providing access to voter data requires restrictions to prevent unauthorized access. Therefore, Law Number 27 of 2022 concerning Personal Data Protection provides restrictions on voters accessing voter data. This has been regulated in Article 41 paragraph (3) of the PDP Law which reads “The Controller of Personal Data shall notify the subject of personal data of the implementation of delays and restrictions in processing personal data”. According to the context of organizing elections, restrictions

on access to voter data are carried out to maintain the confidentiality and security of voter data from unauthorized parties. Voter data contains general information. General personal data in voter data include Full Name, Gender, Citizenship, Religion, Marital Status. This data is not considered sensitive and can be accessed by authorized parties. In addition, the voter data also contains the Population Identification Number (NIK) and Family Card number (KK), which are two different components in the context of elections. NIK is a unique population identity issued by the population and civil registry office to every citizen residing in Indonesia. Meanwhile, the KK number is a population identity issued by the population and civil registry office to every family residing in Indonesia.

In voter data, NIK and KK numbers include sensitive personal data because both data can identify a person more specifically and are used for daily needs, such as making financial data, passports, ID cards, driver's licenses and many more. Therefore, in accessing voter data, the NIK and KK numbers are not displayed in full. This is done to anticipate the spread of sensitive information. With the presence of laws regulating voter data restrictions, providing information needed for the public interest that can be accessed by authorized parties including the KPU, Bawaslu and voters. This restriction is very important to avoid unauthorized use of voter data and can be used for political, commercial or other purposes.

The principle of voter data protection can be interpreted as an effort to uphold the sovereignty of the people where the people as the milestone of a country's sovereignty should easily get their voting rights in the absence of inaccurate voter lists and ensure that voter data receives adequate protection. This can be realized if the KPU provides access to data in a sustainable voter list and the form of supervision carried out by the KPU can be carried out properly. KPU must be able to communicate and cooperate with other state institutions and voters for the realization of an accurate, transparent and easily accessible voter list by the authorities.

IV. Conclusion

Based on the results of the discussion above, it can be concluded that the standard form of regulation of personal data protection that regulates access rights applicable in Indonesia is based on Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of electronic systems and transactions and Law Number 27 of 2022 concerning personal data protection which in the regulation discusses personal data access rights. In addition, the election must regulate the right of access to voter data by the parties in updating voter data based on Law Number 27 of 2022 concerning Personal Data Protection stipulated in Article 32 paragraph (1) which explains that the KPU as the controller of personal data is obliged to convey information by providing the right of access to voter data that is updated by the KPU within a certain period of time in accordance with applicable regulations. Voters have the right to request a copy of the temporary voters list (DPS) to the KPU that has undergone an improvement process and

request information regarding how the data is processed. This is done with the aim of ensuring that voter data belonging to voters is well protected and not misused.

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