

ABSTRAK

PERTANGGUNGJAWABAN PIDANA KORPORASI PENYELENGGARA SISTEM ELEKTRONIK TERHADAP EKSPLOITASI DATA PRIBADI ANAK

Studi Perbandingan Indonesia dan Singapura

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Penelitian ini menganalisis sistem peradilan pidana anak dalam perspektif Penelitian ini menganalisis pertanggungjawaban pidana korporasi penyelenggara sistem elektronik terhadap eksploitasi data pribadi anak dalam perspektif perbandingan hukum Indonesia dan Singapura. Latar belakang penelitian bertumpu pada meningkatnya praktik eksploitasi data pribadi anak oleh korporasi digital, termasuk *profiling* algoritmik, *consent laundering*, dan monetisasi data kepada pihak ketiga, sebagaimana tercermin dalam kasus kebocoran data Tokopedia tahun 2020 dan BPJS Kesehatan tahun 2021, serta ketiadaan putusan pidana terhadap korporasi atas pelanggaran data pribadi anak di Indonesia. Penelitian ini menggunakan tipe penelitian yuridis normatif dengan pendekatan perundang-undangan, perbandingan hukum, dan konseptual. Bahan hukum meliputi UU PDP, KUHP baru, UU ITE, *Personal Data Protection Act* Singapura 2012 beserta amendemen 2021, *Advisory Guidelines on the PDPA for Children's Personal Data*, serta Konvensi Hak Anak PBB dan *General Comment* No. 25 Tahun 2021. Analisis dilakukan secara kualitatif normatif menggunakan metode fungsional Zweigert dan Kötz serta teori perlindungan hukum Hadjon dan Rahardjo. Hasil penelitian menunjukkan bahwa Indonesia memiliki dasar normatif pertanggungjawaban pidana korporasi melalui KUHP baru dan UU PDP dengan tiga doktrin integratif, yaitu *vicarious liability*, *identification doctrine*, dan *strict liability*, namun terhambat oleh ketiadaan definisi data pribadi anak sebagai kategori berlapis, belum terbentuknya lembaga pengawas independen, dan sanksi nominal tetap yang tidak proporsional. Singapura menunjukkan keunggulan melalui *Personal Data Protection Commission* yang aktif, sanksi berbasis persentase omzet, dan *mandatory data breach notification* tiga hari, sebagaimana terbukti dalam kasus SingHealth, Grab, dan Carousell. Penguatan hukum Indonesia perlu diarahkan pada pembentukan lembaga pengawas independen, restrukturisasi sanksi berbasis omzet, penetapan batas usia *digital consent* yang tegas, dan penguatan mekanisme *verifiable parental consent*.

Kata Kunci: pertanggungjawaban pidana korporasi; data pribadi anak; penyelenggara sistem elektronik; perbandingan hukum; perlindungan data.

ABSTRACT

CRIMINAL LIABILITY OF CORPORATIONS OPERATING ELECTRONIC SYSTEMS FOR THE EXPLOITATION OF CHILDREN'S PERSONAL DATA

A Comparative Study of Indonesia and Singapore

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This study analyzes the criminal liability of corporations operating electronic systems for the exploitation of children's personal data from a comparative legal perspective between Indonesia and Singapore. The background of this research rests on the growing practice of children's personal data exploitation by digital corporations, including algorithmic profiling, consent laundering, and data monetization to third parties, as reflected in the Tokopedia data breach of 2020 and the BPJS Kesehatan breach of 2021, alongside the complete absence of criminal verdicts against corporations for children's data violations in Indonesia. This study employs normative juridical research with statutory, comparative, and conceptual approaches. Legal materials include the Personal Data Protection Law, the new Criminal Code, the Electronic Information and Transactions Law, Singapore's Personal Data Protection Act 2012 and its 2021 amendment, the Advisory Guidelines on the PDPA for Children's Personal Data, and the UN Convention on the Rights of the Child along with General Comment No. 25 of 2021. Analysis was conducted qualitatively using Zweigert and Kötz's functional comparative method and the legal protection theories of Hadjon and Rahardjo. The findings show that Indonesia has a normative basis for corporate criminal liability through the new Criminal Code and the Personal Data Protection Law, applying three integrative doctrines: vicarious liability, identification doctrine, and strict liability. However, implementation is hindered by the absence of a definition of children's personal data as a layered protection category, the yet-to-be-established independent supervisory authority, and fixed nominal sanctions disproportionate to large digital corporations. Singapore demonstrates superiority through an active Personal Data Protection Commission, revenue-based sanctions, and mandatory data breach notification within three days, as evidenced in the SingHealth, Grab, and Carousell cases. Strengthening Indonesian law requires establishing an independent supervisory body, restructuring sanctions based on annual revenue, setting a clear digital consent age threshold, and reinforcing verifiable parental consent mechanisms.

Keywords: corporate criminal liability; children's personal data; electronic system operator; comparative law; data protection.