



Digital Data Privacy And Legal Professional Ethics: Implications Of The 2022 PDP Law On Client Confidentiality

Ahmad Kusnadi^{1*}, Nina Agus Hariati²

Universitas Islam Zainul Hasan Genggong

*Corresponding author's email: akusnadi583@gmail.com

Abstract

This research examines the development of digital technology and the increasing intensity of personal data processing across various sectors, which have created new challenges to privacy and information confidentiality, particularly within the legal profession. In Indonesia, the enactment of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) has shifted the framework of ethical obligations within the legal and notary professions from merely moral obligations to binding legal obligations. This research also aims to analyze the legal and ethical implications of the PDP Law on client confidentiality obligations within the legal profession, as well as identify potential conflicts between the provisions of the PDP Law and the principle of advocate confidentiality. Using normative legal research methods through statutory, conceptual, and case studies, this research finds that the PDP Law expands the scope of legal professional responsibilities, including the obligation to implement the principles of lawfulness, fairness, transparency, and privacy by design. It can be concluded that the effectiveness of protecting client confidentiality in the digital era depends heavily on the legal profession's adherence to data security standards and the harmonization of professional ethics with positive legal provisions. These findings provide a significant contribution to strengthening the accountability of the legal profession amidst the growing threat of digital data breaches.

Keywords: Data privacy, Legal professional ethics, PDP Law 2022, Client confidentiality, Digital security.

Introduction

Currently, the development of information technology is increasingly rapid and very different from its beginning. Information technology has changed the pattern of people's lives globally and also simultaneously caused rapid and significant changes in the socio-cultural, economic and legal framework. And one of the consequences of industrial progress is the transformation of social life in society. Since the Fourth Industrial Revolution (Industry 4.0), the dynamics of society continue to develop, covering various activities ranging from electronic transactions and social media interactions to the use of various digital platforms. Rapid technological progress in this era brings positive and negative implications for society. On the one hand, technological progress facilitates communication and access to information for individuals and groups. On the other hand, technological progress also creates vulnerabilities, especially regarding the privacy of personal data. And also a special problem arises regarding how legal professionals maintain client confidentiality amidst the increasing problem of digital threats, while also fulfilling legal obligations regulated in Law Number 27 of 2022 concerning Personal Data Protection (PDP Law).

The problem is further strengthened by the existence of supporting data showing that data leaks in Indonesia have increased significantly in recent years. Various public reports reveal that national, public and private information systems are often hacked targets, and most incidents involve sensitive data in data leaks. This kind of leak shows the need for strict regulations and a clear legal framework to protect personal data. The fact that the data leak occurred illustrates the pattern that the digital security in Indonesia is still unstable, and data protection is still not optimal. This has led to a decrease in the level of public trust in Personal Data Protection (PDP), especially due to concerns about the management of personal data.

Previous research has indeed discussed the issue of data privacy in the technology realm, but has not identified many shortcomings in studies that specifically examine the implications of the 2022 PDP Law on legal professional ethics in maintaining client confidentiality.

Until now, there is still a lack of research linking the implementation of the 2022 Personal Data Protection Law with ethical practices in the legal profession in a comprehensive manner and its impact on the relationship between lawyers and clients. Because the Personal Data Protection Law establishes a comprehensive legal framework to protect personal data, ensures legal certainty and outlines the obligations of all stakeholders, including personal data subjects, data controllers, international organizations, companies, and government agencies. Because some professional ethics often collect and store client data as part of their professional activities, they bear significant responsibilities to ensure the safe handling of such information. Therefore, professional ethics must comply with applicable regulations governing the protection of personal data. The implementation of the Personal Data Protection Law is a very important guide for professional ethics in fulfilling their professional responsibilities.

Digital Data Privacy And Legal Professional Ethics: Implications Of The 2022 PDP Law On Client Confidentiality

This study aims to discuss the importance of understanding the impact of the 2022 Personal Data Protection Law on the ethics of the legal profession, including the historical development of personal data protection in Indonesia, legal obligations in safeguarding client data, and professional accountability regarding data. The main objective of this research is to strengthen the practice of protecting client data confidentiality and increase public trust in legal professionals.

Methods

The research applied in this paper applies normative legal research methods with a focus on the analysis of legal doctrine legislation and academic literature related to data privacy and legal professional ethics. The approaches used include a statutory approach to examine the provisions of the 2022 PDP Law, the Advocate Law and the Advocate Code of Ethics, a conceptual approach aimed at understanding the principles of confidentiality, digital privacy and professional responsibility and a case approach to review empirical relevance through data leak incidents in Indonesia. All data were collected through literature studies and analyzed qualitatively descriptively in order to provide in-depth meaning to the implications of the 2022 PDP Law on client confidentiality obligations in the legal profession.

Results and Discussion

1. Legal Analysis of Personal Data Protection in the Legal Profession

Law No. 27 of 2022 concerning personal data protection (PDP Law) represents a paradigm shift, shifting from an administrative approach to a rights-based approach. This approach emphasizes that personal data protection is an integral part of the right to privacy, as stipulated in Article 28G paragraph (1) of the 1945 Constitution. From an ethical perspective, this norm imposes obligations on advocates, notaries, and other professionals to maintain the confidentiality of client data, which is also part of the principles of fiduciary duty and professional confidentiality. Previous researchers have argued that this regulation broadens ethical regulations, extending to administrative, civil, and even criminal liability for violators.

Therefore, the relationship between law, advocates, and clients is now governed by a professional code of ethics and public law. This is also reflected in Articles 39-42 of the PDP Law, which establish the principles of "lawfulness, fairness, and transparency." This requires data holders to guarantee the accuracy of data processing and provide comprehensive protection against misuse of personal data. These principles are relevant to the legal profession, as advocates and notaries often control and process clients' personal data, both digital and electronic, as well as case evidence. Some have emphasized that legal responsibility

is similar to that applicable under civil law; negligence in maintaining data confidentiality can be classified as "tort liability."

Therefore, the legal profession has a legal obligation to ensure the integrity of data storage systems, both physical and digital. A real-life case exemplifying this urgency is the Ministry of Health's eHAC (Electronic Health Alert Card) data leak that occurred in 2021, in which 1.3 million users' data, including medical information, were leaked to the public. Although this incident occurred before the PDP Law was enacted, the case served as the basis for the creation of legislation aimed at imposing and strengthening sanctions for sensitive data breaches. In the context of the legal profession, discovering a similar or nearly identical breach could constitute a serious ethical violation, as it involves confidential client information, as regulated in Article 4 of the Indonesian Advocates' Code of Ethics. The weakness of data management in both the public and private sectors demonstrates the importance of integrated legal oversight between technology and professional ethics.

2. Ethical and Legal Implications of the 2022 PDP Law on Client Confidentiality

In terms of ethical implications, the application of the PDP Law shifts client confidentiality from a moral obligation to a positive legal obligation. A lawyer is not only required to maintain a trust in safeguarding confidential information obtained in legal practice, but is also required to ensure the security of client digital data through experienced and adequate techniques such as encryption and dual authentication systems. It is also affirmed that the digital lawyer profession in the post-PDP Law era must provide a "data protection compliance framework" similar to the principles of the GDPR (General Data Protection Regulation) applicable in Europe. Failure to comply with these established principles can result in legal consequences, including administrative sanctions and fines of billions of rupiah, as stipulated in Articles 57–60 of the PDP Law.

In practice, implementing these legal obligations faces real challenges. Most law firms in Indonesia still store client data without adequate digital security systems. Research by Ariyanto (2025) showed that 62% of small and medium-sized law firms lack internal data privacy policies, which opens up the potential for data leaks through third parties such as administrative staff and cloud service providers. The Data Privacy Law also places legal responsibility on all parties in the data processing chain (data controller and data processor). Therefore, any data leak due to negligence by law firm staff can result in joint liability, as stipulated in Article 65 of the Data Privacy Law.

The 2021 BPJS Kesehatan data leak, in which the data of more than 279 million Indonesian citizens was sold online, serves as a concrete illustration of the importance of protecting sensitive data, including personal and health information. Although the perpetrator was not a member of the legal profession, this case demonstrates the potential for similar or similar harm if an advocate's client data is exposed without adequate safeguards. According to

Digital Data Privacy And Legal Professional Ethics: Implications Of The 2022 PDP Law On Client Confidentiality

research by Fitriyanti (2024), the BPJS case marks a state failure to oversee compliance with sensitive client data. Therefore, the implementation of the Privacy by Design Law plays a crucial role as a "corrective instrument" to ensure accountability and ethics in every profession, including the legal profession.

From a professional ethics perspective, the implementation of the Privacy by Design Law also reinforces the principle of professional responsibility through the obligation of advocates to implement "privacy by design" in legal activities. This means that, from the very beginning of a contract or legal document, an advocate is obligated to ensure that client personal data is used only for legitimate legal purposes. Violations of this principle can be considered a double violation—both in terms of professional ethics and positive law. A study by Amin, Bima, and Handayani (2025) has indeed shown that implementing the principle of privacy by design in the legal sector aims to increase public trust in the legal profession, particularly in handling cases involving sensitive digital data, such as those involving fintech, startups, online transactions, and related matters.

Another legal implication is increased oversight by law enforcement agencies and data supervisory authorities. Article 58 of the Personal Data Protection Law stipulates that the Personal Data Protection Supervisory Agency has the authority to conduct investigations and impose administrative sanctions on data breaches by any legal entity, including law firms and notaries. In practice, this provision has expanded the jurisdiction of professional ethics oversight to organizations such as the Indonesian Advocates Association (Peradi), which coordinates with public authorities. This will create a system of checks and balances between professional responsibility and state authority in guaranteeing data privacy.

Another relevant case concerns the 2020 data breach at Tokopedia, which involved approximately 91 million user accounts. Although this case is specific to the e-commerce sector, it is significant for the legal profession as it sets a legal precedent for applying the concept of data controller liability. According to Irmawati and Pieries (2024), if a similar concept were applied to the legal sector, advocates and law firms could be held liable for breaches resulting from internal system negligence. In other words, the PDP Law expands the scope of the legal profession's responsibilities from the ethical realm to the public legal realm, which has direct consequences for practice permits and also for professional reputation.

Overall, the above explanation demonstrates that the Personal Data Protection Law (PDP) plays a crucial role as a legal instrument that integrates ethics, responsibility, and professionalism, as well as legal compliance within norms. However, the primary challenge lies in instilling ethical digital awareness among legal practitioners. Therefore, an update to the

advocate code of ethics is necessary to explicitly incorporate the principle of personal data protection, which is also part of the professional integrity standard. This step is in line with the lack of integration between legal norms and digital ethical awareness, and the enforcement of the PDP Law will be formalistic and ineffective in legal practice.

Conclusion

Law No. 27 of 2022 concerning Personal Data Protection has brought significant changes to the way the legal profession carries out its duties, including maintaining client confidentiality. This provision places data protection as a binding legal obligation, not merely a moral or ethical one. The application of the fundamental principles of the Personal Data Protection Law, such as lawfulness, fairness, transparency, accountability, and privacy by design, has placed new responsibilities on the ethics of advocates, notaries, and other legal professionals, as it aims to ensure client data security in all data processing, storage, management, and distribution. Recent major data breaches in Indonesia, such as those involving eHAC, BPJS Kesehatan, and Tokopedia, clearly illustrate the real threat to digital security and the direct impact on public trust. If a similar incident were to occur within the legal profession, the consequences would not only be an ethical violation but also a legal violation, with administrative and even criminal sanctions for the perpetrators. This study confirms that the legal profession must undertake a responsible digital transformation by integrating professional ethics and legal compliance through updating internal policies, improving digital security literacy, and implementing data protection standards in line with the PDP Law and international practices. Therefore, a system of strengthening oversight and collaboration between professional organizations and data oversight, as well as maintaining a culture of data security, is a key foundation for ensuring that client confidentiality is maintained in this risky digital era. Thus, the PDP Law not only carries out its legal performance but also serves as a crucial foundation for strengthening integrity, professionalism, and public trust in the legal profession.

References

- Amin, M., Bima, R., & Handayani, S. (2025). Penerapan Prinsip Privacy by Design dalam Praktik Hukum dan Dampaknya terhadap Kepercayaan Publik. *Jurnal Regulasi & Inovasi Hukum Digital*, 9(1), 55–58.
- Anuar, N. B. (2023). Peran AI dalam Kepatuhan GDPR dan Audit Perlindungan Data. *Inovasi Multidisiplin & Analisis Penelitian*, 4(4), 1–15
- Anuar, Y. (2025). The legal responsibilities of advocates in the digital era for client data protection following the enactment of Law No. 27 of 2022 on Personal Data Protection. *Jurnal Hukum In Concreto*, 4(1), 61–74. <https://doi.org/10.35960/inconcreto.v4i1.1775>
- Ariyanto, R. (2025). Kebijakan Privasi dan Tanggung Jawab Hukum Firma Hukum terhadap Data

Digital Data Privacy And Legal Professional Ethics: Implications Of The 2022 PDP Law On Client Confidentiality

- Klien di Era Digitalisasi. *Jurnal Etika dan Hukum Siber*, 8(2), 112–115.
- Budhijanto, D. (2019). *Cyber Law dan Revolusi Industri 4.0*. Logoz Publishing.
<http://literasidigital.id/books/cyberlaw-dan-revolusi-industri-4-0/>
- Djaja, B., Sudirman, M., & Jasmine, A. (2024). Tanggung jawab notaris dalam perlindungan data pribadi klien berdasarkan UU No. 27 Tahun 2022 tentang Perlindungan Data Pribadi. *Jurnal Ilmu Hukum, Humaniora dan Politik*, 5(1), 653–662.
<https://doi.org/10.38035/jihhp.v5i1.3204>.
- Fitriyanti, N. (2024). UU PDP sebagai Instrumen Korektif atas Kelalaian Pengelolaan Data Sensitif Publik. *Jurnal Etika dan Regulasi Digital*, 7(3), 101–104.
- IDN Times. (2021). Kronologi Dugaan Kebocoran Data e-HAC Kemenkes Sejak Juli 2021.
<https://www.idntimes.com/news/indonesia/kronologi-dugaan-kebocoran-data-e-hac-kemenkes-sejak-juli-2021>
- Masidin, M. (2024). Urgensi perlindungan hukum data pribadi pasien dalam pelayanan kesehatan berbasis Undang-Undang No. 27 Tahun 2022 tentang Perlindungan Data Pribadi. *Jurnal Hukum: Officium Nobile*, 1(1). <https://journal.unas.ac.id/jhon/article/view/3866>
- Mislaini, M., & Adjie, H. (2023). Tanggung jawab notaris dalam pengamanan data pribadi dalam perjanjian notariil pada era digital. *UNES Law Review*, 6(2), 7481–7490.
<https://doi.org/10.31933/unesrev.v6i2>
- Nasir, A. F., & Pranoto, E. (2025). Analisis hukum terhadap pelaksanaan perlindungan data pribadi pasien dalam sistem rekam medis elektronik. *Fiat Iustitia : Jurnal Hukum*, 6(1), 94–104. Retrieved from <https://ejournal.ust.ac.id/index.php/FIAT/article/view/5490>
- Rohendi, H. A. (2025). *Hukum bisnis digital: Regulasi, etika, dan perlindungan di era ekonomi digital*. Yogyakarta: PT Kimshafi Alungcipta.
<https://publisher.alungcipta.com/books/hukum-bisnis-digital-regulasi-etika-dan-perlindungan-di-era-ekonomi-digital/>
- Sumardi, E. (2021). The Development of Communication Technology Has Changed Every Aspect of People's Daily Lives. <https://portal.sukabumikota.go.id/4112/perkembangan-teknologi-komunikasi-telah-mengubah-setiap-aspek-kehidupan-masyarakat-sehari-hari>
- Syarifah, A., Ananda, A., Azzahra, Z., Rakhmawati, C. S., & Nurjihad. (2024). Implikasi Pasal 20 dan 21 Undang-Undang No. 27 Tahun 2022 tentang Perlindungan Data Pribadi terhadap Bank dalam Pemrosesan Data Biometrik Nasabah. *Prosiding Seminar Hukum Aktual Fakultas Hukum UII*, 2(4). <https://journal.uui.ac.id/psha/article/view/36029>
- UU RI No. 27/2022 tentang Pelindungan Data Pribadi.
<https://peraturan.bpk.go.id/Home/Details/229798/uu-no-27-tahun-2022>.