

CHAPTER V

CLOSING

A. Conclusion

Based on the results of the research and discussion, it can be concluded as follows:

- a. The regulation of legal responsibilities of digital health service platforms in telemedicine services has shown a level of vertical synchronization. This means that the lower regulation has been based on the higher regulation. This is evidenced by the Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 20 of 2016 concerning the Protection of Personal Data in Electronic Systems, Regulation of the Minister of Health of the Republic of Indonesia Number 20 of 2019 concerning the Implementation of Telemedicine Services Between Health Service Facilities, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 17 of 2023 concerning Health, Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 and amended by Law Number 1 of 2024 concerning Information and Electronic Transactions, and the Constitution of the Republic of Indonesia of 1945. However, there is no regulation of digital health service provider platforms in providing telemedicine services specifically in ministerial regulations or other derivatives of Law Number 27 of 2022 concerning Personal Data

Protection. So that the terms of the agreement provided by the platform are not in accordance with the laws and regulations that regulate the legal responsibility of digital health service platforms in telemedicine services, so strict law enforcement is needed from the authorities in this case, namely the Ministry of Communication and Informatics.

b. The forms of legal responsibility of digital health service platforms in telemedicine services in the structure of laws and regulations are:

- 1) Criminal law liability is regulated in Article 45A of Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 and amended again by Law Number 1 of 2024 concerning Information and Electronic Transactions. Articles 67, 68, and 70 of Law Number 27 of 2022 concerning Personal Data Protection.
- 2) Civil law liability is regulated in Article 1365 of the Civil Code (KUHPperdata), the user experiencing a loss must be at fault, there must be a causal relationship between the fault and the loss, and the act is against the law. This refers to Article 26 paragraphs (1) and (2) of Law Number 11 of 2008 which was amended by Law Number 19 of 2016 and amended again by Law Number 1 of 2024 concerning Information and Electronic Transactions. However, the regulation does not regulate the forms of civil sanctions.
- 3) Administrative legal responsibilities are regulated in Article 36 of the Regulation of the Minister of Communication and Information

of the Republic of Indonesia Number 20 of 2016 concerning the Protection of Personal Data in Electronic Systems.

B. Suggestion

1. The Minister of Communication and Information of the Republic of Indonesia is expected to draft a ministerial regulation on the protection of personal data by digital service providers as a derivative of Law Number 27 of 2022 concerning Personal Data Protection.
2. Health platforms are expected to comply with the provisions of laws and regulations related to the protection of the security of users' personal data by harmonizing the terms, conditions, and privacy policies of platform users with relevant laws and regulations.
3. The Minister of Communication and Information of the Republic of Indonesia can take firm action against platforms that are proven to not comply with the provisions of laws and regulations in making terms, conditions, and privacy policies for platform users.