



The Impact of the RI-AS Trade Agreement on the Protection of Personal Data in Indonesia's Digital Trade

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<p>Article History Received: 2026-01-03 Revised: 2026-01-13 Published: 2026-01-30</p> <p>Keywords: <i>Trade Agreements; Personal Data Protection; Digital Commerce; Legal Certainty</i></p>	<p>Cross-border digital trade has become an essential part of the modern global trading system. These developments prompted countries to establish trade agreements that not only govern the exchange of goods and services, but also include arrangements related to data and information. The trade agreement between the Republic of Indonesia and the United States is a form of cooperation that has direct implications for digital trade practices in Indonesia. This study aims to examine the impact of the Indonesia-US trade agreement on the protection of personal data in digital trade in Indonesia. The research method used is normative legal research with a statutory approach and a conceptual approach. The results of the study show that the Indonesia-US trade agreement has the potential to encourage the growth of digital trade, but at the same time poses challenges in ensuring personal data protection and legal certainty for consumers. Therefore, efforts are needed to harmonize international trade agreement commitments and national laws so that digital trade can flourish without overriding the protection of citizens' privacy rights.</p>

I. INTRODUCTION

Digital transformation has brought significant changes in global trade patterns. Trade that was previously carried out conventionally is now increasingly shifting towards digital trade that utilizes information and communication technology (Chairunnisa Abdullah, 2025).

These changes not only affect the way business actors carry out economic activities, but also have an impact on the legal system that regulates trade relations between countries. In digital commerce, data plays a central role as the main means in the process of transactions, communication, and economic decision-making.

Cross-border digital trade allows businesses to reach consumers without territorial boundaries. However, behind this convenience, there are complex legal issues, especially related to the use and management of consumers' personal data (Mira Burri, 2024).

Personal data is an integral part of digital transactions, from account creation to payment processing. This condition poses a risk of data

misuse if it is not balanced with adequate legal protection (Nasution, 2023).

In the context of international trade law, modern trade agreements are no longer limited to the removal of tariff barriers, but also include the regulation of the digital trade sector.

Many trade agreements include provisions on electronic transactions and cross-border data flows in an effort to create a more efficient trade climate. However, such arrangements often create a dilemma between the interests of trade liberalization and the protection of privacy rights (Wiraguna, 2025).

Indonesia as a country with rapid digital economic growth is also involved in various international trade cooperation, including with the United States (Sampurna, 2025).

Trade relations between the Republic of Indonesia and the United States have strategic significance, considering that the United States is a country with great influence in the development of global digital technology. The presence of multinational technology companies in Indonesia

makes a significant economic contribution, but it also brings legal consequences in the management of citizens' personal data.

At the national level, Indonesia has established Law Number 27 of 2022 concerning Personal Data Protection as the legal basis for data protection. This law affirms that personal data is a right that must be protected by the state (Daffa Satya Pratiwi & Astin Putri Lestariyani, 2025).

However, the existence of the law cannot be separated from Indonesia's international commitment in trade agreements. If not properly harmonized, international trade agreements have the potential to affect the effectiveness of personal data protection.

Based on this description, it can be understood that the development of cross-border digital trade has placed personal data as a strategic element in international trade activities.

This condition raises the need to examine how the regulation of digital trade in trade agreements between the Republic of Indonesia and the United States interacts with the national legal framework related to personal data protection. In addition, it is necessary to analyze the extent to which the provisions of the trade agreement provide legal certainty for business actors and the protection of privacy rights for data subjects in Indonesia.

Thus, this study is directed to examine the normative and practical implications of the Indonesia-US trade agreement on the effectiveness of personal data protection in the context of digital trade in Indonesia.

II. RESEARCH METHODS

This research uses a normative legal research method with an emphasis on the study of legal norms and principles that govern digital trade and personal data protection (Ramlan, 2023).

The selection of this type of research is based on the research objectives that focus on the analysis of legal arrangements and their relationship to international trade agreements between the Republic of Indonesia and the United States, particularly in the context of digital trade.

The research approach used includes a regulatory approach and a conceptual approach. The legislative approach is carried out by

examining various national legal provisions related to personal data protection, especially Law Number 27 of 2022 concerning Personal Data Protection, as well as other relevant legal instruments.

Meanwhile, a conceptual approach is used to understand and analyze legal concepts related to digital trade, cross-border data flows, and privacy rights protection in the perspective of international trade law (Reza, 2020).

The source of legal materials in this study consists of primary legal materials and secondary legal materials. Primary legal materials include laws and regulations and international legal documents related to digital trade and personal data protection.

The secondary legal materials include scientific journals, legal textbooks, and other academic publications that discuss digital trade issues, international trade law, and personal data protection.

The collection of legal materials is carried out through literature studies by browsing various relevant literature that is directly related to the focus of the research. The legal materials that have been collected are then analyzed qualitatively by descriptive-analytical method, namely by describing the applicable legal provisions, relating them to research problems, and assessing their implications for the protection of personal data in digital trade.

The results of the analysis are then used to formulate conclusions about the impact of the Indonesia-US trade agreement on the effectiveness of personal data protection in Indonesia, as well as to assess the extent to which national legal arrangements are able to adapt to the dynamics of cross-border digital trade.

III. RESULTS AND DISCUSSION

A. Results

The results of the study show that the development of digital trade has changed the character of trade relations between countries, including trade relations between the Republic of Indonesia and the United States. Digital commerce is no longer only understood as the exchange of goods and services through electronic media, but

also involves the management of large amounts of data as a key component of transactions. Consumers' personal data is an integral part of digital trading activities, starting from the account registration stage, transaction process, to after-sales service (Lidia Fathaniyah, 2023).

In modern trade agreements, provisions regarding digital trade and electronic transactions tend to be directed to create a smooth flow of data across countries. The results of the study show that this kind of regulation aims to reduce technical and legal barriers that can hinder digital trading activities. However, these regulations indirectly place personal data as objects that can move across jurisdictions, so that it has the potential to cause legal problems related to data protection (M.Fuady, 2023).

At the national level, Indonesia has established Law Number 27 of 2022 concerning Personal Data Protection as the legal basis for personal data protection. The results of the study show that this law provides strong recognition of the rights of data subjects, including the right to data security, the right to information, and the right to consent to data processing. This law also regulates the obligations of data controllers and processors to ensure that personal data is processed lawfully, securely, and responsibly (Sutedi, 2022).

However, the results of the study reveal that the implementation of personal data protection in cross-border digital trade practices still faces various challenges. One of the main challenges is the limitations of national legal jurisdictions in overseeing the processing of personal data carried out by foreign companies. In Indonesia-US trade relations, technology companies based in the United States have a dominant role in providing digital platforms used by the Indonesian people. This condition causes most of the personal data of Indonesian users to be processed and stored outside the jurisdiction of Indonesia.

In addition, the results of the study also show that the Indonesia-US trade agreement has the potential to influence national policies in the management of personal data. Provisions on the openness of digital trade and the smooth flow of data across countries may limit the scope for state policy to impose certain restrictions to protect

personal data. These findings show that there is a potential tension between the interests of digital commerce and the state's obligations in protecting citizens' privacy rights (Purwanto, 2025).

B. Discussion

Based on the results of the study, this discussion is directed to analyze in depth the impact of the Indonesian-US trade agreement on personal data protection and legal certainty of digital trade in Indonesia. International trade agreements are essentially legal instruments that aim to encourage economic cooperation and improve trade efficiency. In the context of digital trade, trade agreements tend to emphasize the importance of market openness and ease of cross-border data flow as prerequisites for digital economic growth.

However, from the perspective of national law, the openness of cross-border data flows cannot be separated from the state's obligation to protect the personal data of its citizens. The Personal Data Protection Act places data protection as part of human rights protection, so the state has a responsibility to ensure that the processing of personal data is carried out in accordance with the principles of legal protection. In this context, the Indonesia-US trade agreement must be understood not only as an economic instrument, but also as a legal instrument that has implications for the protection of privacy rights (Asshiddiqie, 2020).

Further discussion shows that the harmonization between national law and international trade agreements is a central issue in digital trade. Without adequate harmonization, trade agreements have the potential to create legal uncertainty. For business actors, this uncertainty arises in the form of differences in data protection standards that must be complied with. Meanwhile, for data subjects, legal uncertainty can have an impact on the weak guarantee of privacy rights protection when data is processed cross-country (Tsamara, 2021).

In Indonesia-US trade relations, Indonesia's bargaining position in digital trade negotiations is also an important factor that affects the protection of personal data. The dominance of US technology

companies in the global digital ecosystem can encourage the implementation of data management standards that are more beneficial to foreigners. Therefore, Indonesia needs to ensure that trade agreements do not reduce the country's authority to set personal data protection standards that are in accordance with national interests. (Naufal Akbar, 2025)

In addition, this discussion shows that legal certainty in digital commerce does not only depend on the existence of written regulations, but also on the effectiveness of law enforcement. The protection of personal data in the context of cross-border digital trade requires effective international surveillance and cooperation mechanisms. Without this mechanism, personal data protection has the potential to be purely normative and difficult to apply in practice (Fhauzan Ramon, 2025).

Thus, it can be concluded that the impact of the Indonesia-US trade agreement on the protection of personal data in digital trade is multidimensional. On the one hand, trade agreements have the potential to drive the growth of the digital economy and increase global trade integration. On the other hand, the agreement also requires national legal readiness to anticipate risks to personal data protection and legal certainty. Therefore, a balanced and national-interest-oriented approach is key in dealing with the dynamics of cross-border digital trade.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results of the research and discussions that have been described, it can be concluded that the development of digital trade has brought fundamental changes in the pattern of international trade relations, including in trade relations between the Republic of Indonesia and the United States. Digital commerce no longer focuses solely on the exchange of goods and services, but also involves the processing and utilization of personal data as an integral part of transaction activities. This condition places personal data as a strategic element that requires adequate legal protection within the framework of cross-border digital trade.

The Indonesia-US trade agreement, as part of the modern trade agreement, has significant implications for the management of personal data in digital trade. Provisions that encourage market openness and smooth data flow across countries on the one hand can support the growth of the digital economy, but on the other hand have the potential to pose challenges to the effectiveness of personal data protection. This is especially evident in the limitations of national legal jurisdictions in supervising the processing of personal data carried out by foreign companies, particularly technology companies operating across borders.

The existence of Law Number 27 of 2022 concerning Personal Data Protection shows the state's commitment to providing legal protection for citizens' privacy rights. The law has established clear principles, rights, and obligations for data subjects and data controllers. However, the effectiveness of its implementation in the context of cross-border digital trade is greatly influenced by Indonesia's international commitments in trade agreements, including trade agreements with the United States.

Therefore, it can be concluded that the impact of the Indonesian-US trade agreement on the protection of personal data in digital trade is complex and multidimensional. Trade agreements cannot be seen solely as economic instruments, but also as legal instruments that have consequences for the protection of human rights, in particular the right to privacy. To ensure legal certainty and optimal personal data protection, a balanced approach is needed between the interests of digital trade liberalization and the state's authority to protect national interests.

Thus, harmonization between national laws and international trade agreements is an inevitable necessity in the face of digital trade dynamics. The harmonization is expected to strengthen Indonesia's position in global digital trade while ensuring that personal data protection is maintained effectively and sustainably.

B. Suggestion

Based on the conclusion of the research on the impact of the Indonesia-US trade agreement on the protection of personal data in digital trade in

Indonesia, there are several suggestions that can be proposed.

First, the Indonesian government needs to strengthen harmonization between national laws and regulations, especially Law Number 27 of 2022 concerning Personal Data Protection, with the provisions in international trade agreements. This harmonization is important so that the agreed digital trade commitment does not reduce the state's authority in providing legal protection for citizens' personal data.

Second, in the negotiation and implementation of trade agreements that cover the digital trade sector, the Indonesian government is advised to pay more attention to the aspect of personal data protection as a strategic national interest. Provisions regarding the flow of data across countries should be accompanied by safeguard clauses that allow states to take certain restrictive measures when necessary to protect the right to privacy and security of personal data.

Third, it is necessary to strengthen institutions and supervision mechanisms for the processing of personal data by business actors, especially foreign technology companies operating in Indonesia. This strengthening can be done through increasing the capacity of data protection authorities, cross-agency cooperation, and the development of international cooperation mechanisms to ensure compliance with the applicable personal data protection standards in Indonesia.

Fourth, for business actors in the digital trade sector, it is recommended to increase compliance with the principles of personal data protection as stipulated in national laws and regulations. Such compliance aims not only to meet legal obligations, but also to build consumer trust and create a sustainable digital commerce climate.

Finally, for academics and future researchers, this research is expected to be the basis for further studies on personal data protection in the context of international trade agreements. Further research can be focused on comparative analysis between various trade agreements involving Indonesia or on empirical

evaluation of the effectiveness of the implementation of the Personal Data Protection Law in cross-border digital trade practices.

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