

SKRIPSI

PENGATURAN PENGUMPULAN DAN PEMROSESAN DATA OTAK OLEH PERUSAHAAN *NEUROTECHNOLOGY* SEBAGAI UPAYA PERLINDUNGAN PRIVASI MENTAL DITINJAU DARI *GENERAL DATA PROTECTION REGULATION* DAN HUKUM INTERNASIONAL

*Diajukan Untuk Memenuhi Persyaratan Guna
Memperoleh Gelar Sarjana Hukum*

Oleh :

MUHAMMAD HAFZIL

2210112066

PROGRAM KEKHUSUSAN : HUKUM INTERNASIONAL (PK VI)



Pembimbing :

**Dr. Delfiyanti, S.H., M.H.
Dewi Enggreyeni, S.H., M.H.**

**FAKULTAS HUKUM
UNIVERSITAS ANDALAS**

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**REGULATION OF THE COLLECTION AND PROCESSING OF BRAIN
DATA BY NEUROTECHNOLOGY COMPANIES AS AN EFFORT TO
PROTECT MENTAL PRIVACY FROM THE PERSPECTIVE OF THE
GENERAL DATA PROTECTION REGULATION AND INTERNATIONAL
LAW**

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ABSTRACT

The rapid development of neurotechnology in recent decades has opened significant opportunities in the industrial sector, particularly in the practice of collecting and storing brain data. However, it has also raised new challenges regarding the protection of individual privacy rights, especially mental privacy. This research examines the regulation of brain data collection and storage practices by neurotechnology companies in light of the General Data Protection Regulation (GDPR) and International Law, as well as the protection of individuals' mental privacy rights in such processes. This research study employs juridical normative with using the statute approach and conceptual approach to analyze relevant legal frameworks. The findings indicate that under the GDPR, provisions related to the protection of brain data are found in Article 4, which defines personal data; Article 9(1), which prohibits the processing of sensitive data; Article 25, which establishes the principle of data protection by design; and Article 159, which outlines the obligations of data controllers. At the international level, UNESCO's policy on Neurotechnology, particularly Paragraphs 43 and 55, emphasizes the importance of protecting human rights in the use of neural technologies, while the OECD Recommendation on Responsible Innovation in Neurotechnology Point 9 highlights the principles of transparency and corporate accountability. Furthermore, the protection of mental privacy is rooted in international legal instruments such as Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which safeguard individuals from arbitrary interference with their privacy, thoughts, and freedom of mind (locus internus). Therefore, it can be concluded that both the GDPR and international law provide a normative foundation for protecting brain data and mental privacy from potential misuse in neurotechnology practices, although further harmonization and specific regulations are still needed to address the emerging ethical and legal challenges posed by this technological advancement..

Keywords: *Neurotechnology, Mental Privacy, Brain Data, International Law, GDPR*