

**LEGAL PROTECTION OF DATA SECURITY OF E-COMMERCE
APPLICATIONS DURING THE COVID-19 PANDEMIC**

Fitri Yanni Dewi Siregar, Muhammad Yusrizal Adi Syaputra
Faculty of Law, University of Medan Area, North Sumatra, Indonesia
fitriyanni@staff.uma.ac.id

ABSTRACT

The rapid progress in the field of information technology has contributed greatly to the development of the world of information and electronic transactions. The security of consumer personal data that enters e-commerce data should be a guarantee given by the company to its consumers. This study aims to find out the legal protection for data/information security of e-commerce application users during a pandemic. This study uses normative legal research with analytical descriptive methods to explain, describe, and correlate legal regulations and theories with the problems that occur. Data analysis was carried out qualitatively. The results of the study indicate that the electronic system operator must ensure the availability of service level agreements, the availability of information security agreements for the information technology services used; and security of information and means of internal communication held. Then, the operator of the electronic system must ensure that each component and the integration of the entire electronic system operates properly. Especially in the era of the covid-19 pandemic, it is appropriate that the regulation of personal data protection can be immediately upgraded to the level of the law.

Keywords: Protection; Security; Personal Data; E-Commerce.

Journal History

Received : August 16, 2021;
Reviewed : September 20, 2021;
Accepted : September 23, 2021;
Published : October 1, 2021.

Copyright @2021 NLR. All right reserved.

INTRODUCTION

The use of information technology in Indonesia shows a significant increase from year to year. The integration between the development of information technology with media and telecommunications today has resulted in a wide variety of services

and products. The convergence of these technologies is called telematics (telecommunications, media and informatics).¹ In line with the rapid development of the field of

¹Rosalinda Elsina Latumahina, "Aspek Hukum Perlindungan Data Pribadi Di Dunia Maya," *Jurnal Gema Aktualita*, Vol. 3 No. 2, 2014, p. 14

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

technology, companies are increasingly encouraged to use advanced technology to *survive* and win increasing competition. The impact on the competitive aspect is the formation of an increasingly sharp level of competition. Economic globalization also makes changes into *costa*, rapid, radical, simultaneous, and *pervasive*. The use of technology is expected to provide great benefits to the competitive business world.²

The use of telecommunications media and information technology in the era of globalization occupies a very strategic position because it presents a world without borders, distance, space, and time, which has an impact on increasing productivity and efficiency. Such rapid advances in the field of information technology have contributed greatly to the development of the world of information and electronic transactions.³ The development of electronic transactions brings many changes to the business activity sector that has been carried out in the real world. The change is characterized by a number of efforts from the business activity sector that was originally based in the *real* world, then developed it into *cyberspace*(*virtual*).⁴

²Ni Nyoman Alit Triani, "Penerapan Strategi It E-Commerce Sebagai Peningkatan Persaingan Bisnis Perusahaan", *Akrual Jurnal Akuntansi Aktual*, No. 3, 2012, p. 212.

³ Danrivanto Budhijanti, *Revolusi Cyberlaw Indonesia (pembaruan dan Revisi UU ITE 2016)*, (Bandung: PT Refika Aditama, 2017), p. 14.

⁴ Abdul Halim Barkaltullah, *Hukum Transaksi Elektronik di Indonesia (Sebagai*

Solly Lubis in Hadita (2020) The theory of power, Laski argues, along with Marx, namely that every association of life requires coercive instruments, thus claiming the continuation of a permanent production relationship, because if it were not so then the association of life would not be able to claim its livelihood. By Plato in his book "Politeia" Thrasymachos statement noted, that justice is the interest of the powerful who demanded the arrangement to the power that is there, it means that the law and the interests of the ruling is one.⁵

The development of information technology shows the emergence of various types of activities based on this technology, such as *e-government*, *e-commerce*, *education*, *e-medicine*, *e-laboratory*, and others, all of which are based on electronics." E-commerce platforms in their activities have platform users (*users*) who are the general public who create and have accounts in *e-commerce* sites. The application of *User Generated Content* (UGC) in *e-commerce* platforms can involve users in filling the content on the site.⁶

Pedoman dalam Menghadapi Era Digital Bisnis e-Commerce di Indonesia, Cetakan Pertama, (Bandung: Nusa Media, 2017), p. 7

⁵ Cynthia Hadita, Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government, *Nomoi Law Review*, Volume 1, Issue 1, May 2020, p. 93.

⁶ Andreyana Nata Giantama, "Pertanggungjawaban Hukum Penyedia Platform Terhadap Barang yang Melanggar

The public generally has not placed personal data as part of the property that must be protected. Seen from the number of posts that contain personal data content, both on a number of social media platforms, and in various social networking groups. In addition, when going to use a number of electronic system platforms (*e-commerce*, online transportation, fintech, etc.) generally users also do not fully understand the privacy policy, terms and conditions of service of each application, especially related to the use of personal data. Before pandemic, personal data is accommodated by the ITE Law. After the pandemic, there must be personal data security.

Article 1 of Law No. 7 of 2014 on Trade states that trading through electronic systems (*e-commerce*) is a trade whose transactions are carried out through a series of electronic devices and procedures. Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Information and Electronic Transactions (UU ITE) states that electronic data is electronic data that is not limited to writing, sound, images, maps, design, photos, *electronic data interchange* (EDI), electronic mail (electronic mail, telegram, telex, *telecop*y or the like, letters, signs, numbers, codes akses, symbols, or perforations. While electronic information is one or a set of electronic data, including but not limited to authorship, sound, images, maps, designs, photos,⁷ *electronic*

data interchange (EDI), electronic mail, telegram, telex, *telecop*y or the like, letters, signs, numbers, Access Codes, symbols, or perforations that have meaning or can be understood by people who are able to understand it.⁸

The security of consumer personal data that goes into *e-commerce* data should be a guarantee provided by the company to its consumers. User as *e-commerce* consumers need to get protection of confidentiality of information related to personal data that is prone to misuse. Therefore, it is necessary for electronic system organizers to provide protection and certainty to the security of consumer data and the legal efforts that can be made to protect personal data belonging to consumers.

METHOD

This type of research is normative juridical. Normative legal research or library research is a study that examines the study of documents, which uses various secondary data such as laws and regulations, court decisions, legal theories, and can be the opinion of scholars. To research about research specifications can be used analytical descriptive methods by explaining, describing, and correlated legal rules and theories with problems that

71 of 2019 on Organizing Electronic Systems and Transactions (LN No. 185 of 2019, TLN No. 6400)

⁸Article 1 number 8 Government Regulations Republic of Indonesia Number 71 of 2019 on Organizing Electronic Systems and Transactions (LN No. 185 Years 2019, TLN No. 6400)

Merk Dalam *Marketplace*”, *Jurnal Privat Law*, Vol. VIII No. 1 (Januari-Juni 2020), p. 21-22

⁷Article 1 number 30 Government Regulations Republic of Indonesia Number

occur Analysis is done based on the facts obtained and will be done carefully how to answer the problem in concluding a solution as the answer to the problem. Marzuki in Eka NAM Sihombing (2019) states that the normative juridical legal research method is a method that uses an approach that is based on the main legal material by examining theories, concepts of legal principles, norms, rules of legislation, court decision, agreement. The nature of the research used in this paper is prescriptive, adhering to the characteristics of legal science as an applied science, the prescriptions given in legal research activities must be able and possible to be applied. Therefore what is produced by legal research, even if it is not a new legal principle or a new theory, is at least a new argument.⁹

DISCUSSION

The Effect of Electronic Transactions on Community Activities

The interaction of social change on the one hand and the change of law on the other is an inseparable unity like two sides of a coin. Such interactions have scientific consequences because they will be viewed from different points of view.¹⁰ The human need for the

gratification of material goods in line with technological advances makes the internet one of the media facilities that are not only used to communicate, but can be utilized in the process of buying and selling or trading. *E-Commerce* allows consumers to shop or make other transactions 24 hours a day throughout the year from almost every location. *E-Commerce* gives more choices to consumers they can choose a variety of products from many product providers whose quality of goods are guaranteed. In general, quality is described as a point at which the product wearer becomes satisfied. Internet use has increased significantly since the COVID-19 pandemic that began to appear since mid-March 2020. This is because many activities are carried out at home at the government's appeal to break the chain of spread of COVID-19, ranging from working at home or Work from ¹¹*Home* (WFH) and the implementation of teaching and learning from the elementary school level to university, all done online or *online*. However, behind all the conveniences obtained, *e-commerce* also raises the issue of consumer concern about responsibility regarding personal data that has been recorded and collected in *e-commerce companies*.

In UK, personal data regulation is relevant with General Data Protection Regulations (GDPR), in India, they regulate it in

⁹ Eka N.A.M Sihombing, Eksistensi Paralegal dalam Pemberian Bantuan Hukum bagi Masyarakat Miskin (The Existence of Paralegals in Providing Legal Aid to the Poor), *Jurnal Ilmiah Penegakan Hukum*, Vol. 6, No. 1, June(2019).

¹⁰ Suyanto Sidik, Dampak Undang-Undang Informasi Dan Transaksi Elektronik (UU ITE) Terhadap Perubahan Hukum Dan,

Sosial Dalam Masyarakat, *Jurnal Ilmiah WIDYA*, Volume 1 Number 1, (2013), p. 3.

¹¹ Made Sudarma, *Manajemen Proyek Teknologi Informasi*, (Bali: Udayana University Press, 2012), p. 248.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

Data Empowerment and Protection Architecture (DEPA). In China, there is a cybersecurity law. In Malaysia and Singapore, it have the similars act nomenclature for data privacy, Personal Data Protection Act 2010 (PDPA). In EU countries collecting personal data as part of their COVID-19 response will be required to comply with the GDPR (as well as their own laws). For example, Italy's data protection authority, the Garante, adopted a decree addressing the intersection between the GDPR and COVID-19, the need for processing special categories of personal data, and how some data protection rights could be suspended to combat the virus. The Garante has issued further guidance prohibiting "do-it yourself" data collection. DPAs in France and Ireland have likewise taken positions on the handling of personal data in the context of responding to COVID-19 (COVID-19 Response and Data Protection Law in the EU and US, 2020). In US, Although there is no omnibus data protection law at the federal level in the U.S., several federal and state laws offer privacy protection to certain types of data. Given the sectoral approach to privacy under the U.S. legal system, it is worth exploring the protections that exist under U.S. law for certain types of data relevant to this discussion, namely protected health information, employment data, and location data (COVID-19 Response

and Data Protection Law in the EU and US.¹²

The trading transaction system that was originally paper-based shifted to a non-paper (digital) trading system. It cannot be denied that the increasingly integrated use of telecommunications and information technology (*global communication network*) with thegrowing popularity ofthe Internet seems to have made the worldshrink the world shrinkingand further fade the boundaries ofthe country and sovereignty and order of society. The development of the internet has changed the economy revolutionary. These changes occur in the manners, techniques and business models. First the internet was only used as a means of communication and promotion, then developed into advice to package all the interests of the company. The Internet has created a trend of *outsourcing* and *downsizing* companies.¹³

Some regulations are used as a reference in conducting *e-commerce* business in Indonesia, namely Law No. 7 of 2014 on Trade, Law No. 11 of 2008 on Information and Electronic Transactions (ITE), and Law No. 19 of 2016 on Electronic Information and Transactions. Aside from the three laws already mentioned, there still needs to be an

¹² Eka N.A.M Sihombing, Cynthia Hadita and Muhammad Yusrizal Adi Syaputra, "Legal Securities Against Covid-19 Patient Privacy Data in Indonesia" 4, no. 1 (2019): 275–282.

¹³ Abdul Halim Barkatullah, (2017), *Hukum Transaksi Elektronik Di Indonesia (Sebagai Pedoman dalam Menghadapi Era Digital Bisnis e-Commerce di Indonesia)*, Penerbit Nusa Media, Bandung.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

Act governing the Protection of Personal Data (PDP) of customers. The main purpose of this Act is to protect citizens' rights regarding their personal data from being used outside their wishes or obligations by either the private sector or the government.

Law No. 11 of 2008 on Information and Electronic Transactions as amended by Law No. 19 of 2016 (hereinafter abbreviated as ITE Law) is a form and responsibility that must be carried out by the State, to provide maximum protection to all information and communication technology utilization activities in the country to be well protected from potential crimes and misuse of technology so that the development of information technology can be done optimally, evenly and spread throughout society to educate the life of the nation.

As an inherent right to the person, the debate over the importance of protecting the right to one's privacy first surfaced in court rulings in the United Kingdom and later in the United States. The law of personal data protection is actually evolving along with the development of technology itself, especially information and communication technology. As mentioned earlier, data protection regimes were born in Europe as a result of the absence of a clear definition of privacy and private life, governed by the provisions of Article 8 of the European Convention. This right to data protection itself aims to protect individuals in the information society era. The country that first passed the Data Protection Act was Germany in

1970, followed by the UK in the same year, and then a number of other European countries, such as Sweden, France, Switzerland, and Austria. Similar developments have also surfaced in the United States, with the Fair Credit Reporting Act in 1970, which also contained elements of data protection.¹⁴

C.F. Strong in *Modern Political Constitutions*, "Constitution is a collection of principles according to which the power of the government, the rights of the governed and the relations between the two are adjusted."¹⁵

The protection of personal data protection has basically rested on Article 28 G Paragraph (1) of the Constitution of the Republic of Indonesia of 1945, which states that:

"Everyone is entitled to the protection of persons, families, honor, dignity, and property under his or her control, and is entitled to a sense of security and protection from the threat of fear of doing or not doing something that is a human right."

Personal data includes facts, communications or opinions relating to individuals that are confidential, personal or sensitive information so

¹⁴Wahyudi Djafar, *Hukum Perlindungan Data Pribadi di Indonesia: Lanskap, Urgensi dan Kebutuhan Pembaruan*, The paper was delivered as material in a public lecture "Legal Challenges in the Era of Big Data Analysis", Program, Post Graduate Faculty of Law, Universitas Gadjah Mada, Yogyakarta, August 26, (2019), p. 2

¹⁵Eka N.A.M Sihombing, Irwansyah, *Hukum Tata Negara*, (Medan: Enam Media, 2019), p. 18.

that the person concerned wishes to store or restrict others from collecting, using or disseminating them to others. Arrangements regarding the protection of personal data are regulated in several Articles in the ITE Law. This law does not contain personal data protection rules strictly and comprehensively. However, indirectly this Law gives birth to a new understanding of the protection of the existence of data or electronic information both general and private. The explanation of personal electronic data is further mandated by the ITE Law in the Implementation of Electronic Systems and Transactions (PSTE). Protection of personal data in an electronic system in the ITE Act includes protection from unauthorized use, protection by electronic system organizers, and protection from illegal access and interference.¹⁶

Each Electronic System Operator must have internal rules for personal data protection to carry out the process. Each Electronic System Operator shall draw up internal rules for the protection of personal data as a form of deterrent measures to avoid failures in the protection of personal data that they manage. The acquisition and collection of personal data by electronic system organizers shall be by consent or under the provisions of the laws and regulations.

Personal data stored in electronic systems must be personal data that has been verified for

accuracy. Personal data stored in electronic systems must be in the form of encrypted data. Personal data must be stored in an electronic system in accordance with the provisions of the laws and regulations governing the obligations of the period of time. In its explanation, Article 26 of the ITE Law also states that personal data is one part of a person's personal rights. It Law (11/2008 jo19/2016) as ageneric Undang-U contains personal data protection norms in Article 26, which in essence, the use of any data and information in electronic media related to one's personal data must be done with the consent of the person concerned or based on positive law (laws and regulations). Basically, this provision contains two basic legitimacy of the processing of personal data, namely: (a) *consent* / consent ; and (b) positive legal norms. These two principles are the basis of lawful data processing.¹⁷

Electronic systems that can be used in the process of personal data protection are electronic systems that have been certified and have internal rules on personal data protection that must pay attention to aspects of the application of technology, human resources, methods, and costs. The owner of personal data, entitled to the confidentiality of his or her data; the right to file a complaint in the framework of settlement of personal data; entitled to access to historically personal data; and has the right to request the destruction of certain individual data of his or hers in electronic systems.

¹⁶Lia Sautunnida, Urgensi Undang-Undang Perlindungan Data Pribadi di Indonesia”, *Kanun Jurnal Ilmu Hukum*, Vol. 20, No. 2, (August, 2018), p. 381

¹⁷*Ibid.*

**Legal Protection of
Data/Electronic
Information Security**

The state of law is obliged to protect the entire community from various forms of crime that occur in cyberspace or crimes born from the negative impact of the development of information technology. That every human being everywhere should be protected by the state according to his dignity and dignity as a human being. Therefore, all forms of crimes or other deviant acts committed by the community in cyberspace that can harm other communities, especially those actions can damage the order of national and state life cannot be allowed to continue to run rampant.¹⁸

One of the nature and purpose of the law is to provide protection (protection) to the community. Based on Article 21 of Law No. 39 of 1999 on Human Rights explained that everyone is entitled to personal integrity, both spiritual and physical, and therefore should not be the object of research without consent, it is further made clear that the object of research in the article is an activity that places a person as being asked for comments, opinions or information related to personal life and personal data and recorded images. And his voice.¹⁹

¹⁸ Nani Widya Sari, *Kejahatan Cyber Dalam Perkembangan Teknologi Informasi Berbasis Komputer*, *Jurnal Surya Kencana Dua*, Dinamika Masalah Hukum Dan Keadilan Volume 5 Nomor 2 Desember 2018, pp. 581-582

¹⁹ Kornelius Benuf, Siti Mahmudah, Ery Agus Priyono, *Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia*, *Refleksi*

The protection of personal data is one part of *personal* rights. Personal rights contain the following understandings:

- a. Personal rights are the right to enjoy a private life and be free from all sorts of distractions.
- b. Personal rights are the right to be able to communicate with others without the act of spying.
- c. Personal rights are the right to supervise access to information about a person's personal life and data.

For this reason, there must be prior approval from the data owner to use the data. In the event of the use of a person's personal data without the permission of the person concerned, then the person who is violated his rights can file a lawsuit for the damages incurred.

Electronic System Operator must guarantee the availability of service level agreements, the availability of information security agreements for information technology services used; and information security and internal means of communication organized. Then, the Electronic System Operator must ensure that every component and coherence of the entire Electronic System operates as appropriate.²⁰

Arrangements regarding the protection of personal information

Hukum, Volume 3 Nomor 2, April 2019, p.154

²⁰Article 11 of Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

are still separate in some laws and regulations, so special arrangements are needed regarding the protection of personal information to create a legal certainty. One of the laws and regulations governing the protection of personal information is contained in Article 30 of Law No. 11 of 2008 on Information and Electronic Transactions (hereinafter referred to as the ITE Law).

- (1) Any Person willfully and without rights or unlawfully accesses another Person's Computer and/or Electronic System in any way.
- (2) Any Person willfully and without the right or unlawful access to the Computer and/or Electronic System in any manner for the purpose of obtaining Electronic Information and/or Electronic Documents.
- (3) Any Person intentionally and without rights or unlawfully accesses a Computer and/or Electronic System in any way by violating, breaking through, exceeding, or breaching a security system.

The existence of Article 30 of the ITE Law has provided legal certainty for internet service users related to the protection of personal information if there are parties who intentionally and without the right to access information belonging to others to commit unlawful acts. In addition to Article 30 of the ITE Law, the legal protection of personal information (in this case concerning personal data) is also contained in Article 26 of the ITE Law which states:

- (1) Unless otherwise specified by law, the use of any information

through electronic media concerning a person's personal data shall be made with the consent of the Person concerned.

- (2) Any Person who is violated by his or her rights as referred to in paragraph (1) may file a claim for damages incurred under this Act.

Based on the provisions of Article 26 of the ITE Law it can be concluded that the protection of personal information (in this case concerning personal data) in electronic media that causes losses can be filed a lawsuit or civil sanctions. But based on the provisions of Article 46 of the ITE Law which states:

- (1) Any Person who fulfills the elements referred to in Article 30 paragraph (1) is punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp 600,000,000.00 (six hundred million rupiah).
- (2) Any Person who fulfills the elements referred to in Article 30 paragraph (2) is punished with a maximum imprisonment of 7 (seven) years and/or a maximum fine of Rp 700,000,000.00 (seven hundred million rupiah).
- (3) Any person who fulfills the elements referred to in Article 30 paragraph (3) is punished with a maximum imprisonment of 8 (eight) years and/or a maximum fine of Rp 800,000,000.00 (eight hundred million rupiah). So it can be concluded that not only civil sanctions imposed on piracy perpetrators but perpetrators of piracy can also be sanctioned in the form of criminal sanctions as specified in Article 46 of the ITE Law.

In order to avoid misuse of personal data belonging to consumers, the use of electronic systems has an obligation to maintain the confidentiality of personal data obtained, collected, processed, and analyzed; use personal data in accordance with the needs of users only; protect personal data and documents containing personal data from acts of misuse; and be responsible for personal data contained in its control, both organizational control that is its authority and individuals, in the event of abuse.

Legal Efforts to Protect Consumer's Personal Data

As an inherent right to the person, the debate over the importance of protecting the right to one's privacy first came to the fore in court rulings in the United Kingdom and later in the United States. Later based on Warren and Brandeis' conception of the right to privacy law, William L. Prosser, the right to be let alone defines the right to *be alone*.²¹

Indonesia regulates the rights and obligations of consumers in Article 4 and Article 5 of the Consumer Protection Act. Consumer rights include:

- a. The right to comfort, security and safety in consuming goods and/or services;
- b. The right to choose goods and/or services and obtain such goods and/or services in accordance with exchange rates and

conditions and guarantees promised;

- c. The right to correct, clear, and honest information about the condition and guarantee of goods and/or services;
- d. The right to be heard of his opinions and complaints about the goods and/or services used;
- e. The right to appropriate advocacy, protection, and dispute resolution efforts;
- f. The right to consumer coaching and education;
- g. The right to be treated or served properly and honestly and not discriminatorily;
- h. The right to compensation, compensation and/or reimbursement, if the goods and/or services received are not in accordance with the agreement or not as appropriate;
- i. Rights stipulated in other laws and regulations

The nine items of consumer rights above explain that the issues of convenience, security, and consumer safety are the most basic and primary things in consumer protection. Goods and/or services whose use does not provide comfort, moreover those that are unsafe or endanger consumer safety are clearly not worth circulating in the community. In addition, consumers are obliged to read or follow the instructions for information and procedures for the use or utilization of goods and / or services for security and safety are important to get arrangements. As for the importance of this obligation because often business actors have conveyed warnings clearly on the label of a product, but consumers do

²¹https://fh.unpad.ac.id/urgensi-perlindungan-data-pribadi-dalam-menjamin-hak-privasi-sebuah-telaah-ruu-perlindungan-data-pribadi/#_ftn2, quoted on August 12, 2018, Hit. 9:11 p.m.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

not read the warnings that have been conveyed to him.

Related to the failure to protect consumer data, Porigin 26 letter b and Article 29 paragraph (1) permenkominfo 20 year 2016 stipulates that any owner of personal data and electronic system organizer can file a complaint in order to resolve personal data disputes to the Minister of Communication and Information (Menkominfo) for failure of protection of personal data confidentiality. The complaint is intended as an attempt to resolve disputes in deliberation or through other alternative settlement efforts.

However, if in a deliberative dispute resolution effort or through other alternative settlement efforts have not been able to resolve the dispute for the failure of protection of personal data confidentiality, any owner of personal data can file a lawsuit for the failure of such protection. It is also stipulated in Article 26 of the ITE Law explaining the use of any information through electronic media involving a person's personal data must be done with the consent of the person concerned unless otherwise specified by the laws and regulations, where any person who is violated of his rights can file a lawsuit for the damages incurred.^{22,23}

In order for an act to be categorized as an unlawful act, it

must fulfill the following elements of the act:

- a. There is an act;
- b. This act is against the law;
- c. There is a mistake on the part of the perpetrator;
- d. There are losses for victims;
- e. There is a causal relationship between deeds and losses.

Arrangements regarding the protection of personal data are regulated in several articles in the ITE Law. This law does not contain strict and comprehensive personal data protection rules. However, indirectly the Probadi Data Protection Act gave birth to a new understanding of the protection of the existence of electronic data or information both general and private. The explanation of personal electronic data is further mandated by the ITE Law in the Regulation of The Implementation of Electronic Systems and Transactions (PSTE). Protection of personal data in an electronic system in the ITE Act includes protection from unauthorized use, protection by electronic system organizers, and protection from illegal access and interference. When feeling personal data is disseminated by others, then the legal process that can be taken civilly using Ministerial Regulation (Permen) No. 20 of 2016 on Personal Data Protection. Some countries, the protection of personal data has been regulated at the level of the Law, while in our country specifically new at the Candy stage, whereas we are currently in the era of the covid-19 pandemic, then the personal data protection arrangements can be immediately improved at the level of the law.

²²Article 26 paragraph (1) of the Law Republic of Indonesia Number 19 of 2016 concerning Changes to Law No. Mor 11 of 2008 on Information and Electronic Transactions (LN No. 251 of 2016, TLN No. 5952)

²³ *Ibid.*

CONCLUSION

The protection of personal data is one part of *personal* rights. Based on this, every Electronic System Operator must have internal rules for personal data protection to carry out the process. Each Electronic System Operator shall draw up internal rules for the protection of personal data as a form of deterrent measures to avoid failures in the protection of personal data that they manage. The acquisition and collection of personal data by electronic system organizers shall be by consent or under the provisions of the laws and regulations. Arrangements regarding the protection of personal information are still separate in some laws and regulations, so special arrangements are needed regarding the protection of personal information to create a legal certainty. Protection of personal data in an electronic system in the ITE Act includes protection from unauthorized use, protection by electronic system organizers, and protection from illegal access and interference. Some countries have regulated data protection at the level of the Law, especially when we are currently in the era of the covid-19 pandemic, it is possible that personal data protection arrangements can be immediately improved at the level of legislation.

REFERENCES

- Barkatullah, Abdul Halim., *Hukum Transaksi Elektronik di Indonesia (Sebagai Pedoman dalam Menghadapi Era Digital Bisnis e-Commerce di Indonesia)*, Cetakan Pertama, Bandung: Nusa Media, 2017)
- Abdul Halim Barkatullah, (2017), *Hukum Transaksi Elektronik Di Indonesia (Sebagai Pedoman dalam Menghadapi Era Digital Bisnis e-Commerce di Indonesia)*, Penerbit Nusa Media, Bandung
- Benuf, K., Siti Mahmudah, Ery Agus Priyono, *Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia, Refleksi Hukum*, Volume 3 Nomor 2, April 2019.
- Budhijanti, Danrivanto., *Revolusi Cyberlaw Indonesia (pembaruan dan Revisi UU ITE 2016)*, Bandung: PT Refika Aditama, 2017.
- Chandranegara, Ibnu Sina., Eka NAM Sihombing, *Emergency Law-Making In Indonesia: Between Political And Constitutional Process, Journal of Legal, Ethical and Regulatory*, Issues Volume 24, Issue 4, 2021.
- Djafar, Wahyudi., *Hukum Perlindungan Data Pribadi di Indonesia: Lanskap, Urgensi dan Kebutuhan Pembaruan*, Makalah disampaikan sebagai materi dalam kuliah umum “Tantangan Hukum dalam Era Analisis Big Data”, Program, Pasca Sarjana Fakultas Hukum Universitas Gadjah Mada, Yogyakarta, 26 Agustus 2019.
- Giantama, Andreyan Nata., “Pertanggungjawaban Hukum Penyedia Platform Terhadap Barang yang Melanggar Merk Dalam Marketplace”, *Jurnal Privat Law*, Vol. VIII No. 1 (Januari-Juni 2020).

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

- Hadita, Cynthia., Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government, *Nomoi Law Review*, Volume 1, Issue 1, May 2020.
https://fh.unpad.ac.id/urgensi-perlindungan-data-pribadi-dalam-menjamin-hak-privasi-sebuah-telaah-ruu-perlindungan-data-pribadi/#_ftn2, dikutip pada tanggal 12 Agustus 2018, Pukul. 21.11 WIB
- Latumahina, Rosalinda Elsin., “Aspek Hukum Perlindungan Data Pribadi Di Dunia Maya,” *Jurnal Gema Aktualita*, Vol. 3 No. 2, 2014.
- Sari, Nani Widya., Kejahatan Cyber Dalam Perkembangan Teknologi Informasi Berbasis Komputer, *Jurnal Surya Kencana Dua*, Dinamika Masalah Hukum Dan Keadilan Volume 5 Nomor 2 Desember 2018.
- Sautunnida, Lia., “Urgensi Undang-Undang Perlindungan Data Pribadi di Indonesia”, *Kanun Jurnal Ilmu Hukum* Vol. 20, No. 2, Agustus, 2018.
- Sidik, Suyanto, Dampak Undang-Undang Informasi Dan Transaksi Elektronik (UU ITE) Terhadap Perubahan Hukum Dan, Sosial Dalam Masyarakat, *Jurnal Ilmiah WIDYA*, Volume 1 Nomor 1, 2013.
- Sihombing, Eka N.A.M., Cynthia Hadita and Muhammad Yusrizal Adi Syaputra, “Legal Securities Against Covid-19 Patient Privacy Data in Indonesia” 4, no. 1 (2019): 275–282.
- Sihombing, Eka N.A.M., Irwansyah, *Hukum Tata Negara*, Medan: Enam Media, 2019.
- Sudarma, Made., , *Manajemen Proyek Teknologi Informasi*, Bali: Udayana University Press, 2012.
- Triani, Ni Nyoman Alit., “Penerapan Strategi It E-Commerce Sebagai Peningkatan Persaingan Bisnis Perusahaan”, *Aktual Jurnal Akuntansi Aktual*, No. 3, 2012