

# Analysis of Legal Protection Towards Personal Data in E-Commerce

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## ABSTRACT

E-Commerce is one form of organizing electronic systems that connects business actors, consumers, and other communities. One of the problems that must be considered in terms of online shopping is all about the legal protection of personal data consumers who shop online. The issue raised is the legal protection of personal data in transaction e-commerce, then the purpose of the research in this thesis is to know the legal protection regarding personal data in e-transactions commerce. The research method used is the type of normative research. The secondary legal materials obtained were analyzed prescriptively with a legal approach. In the case that occurs in the Akulaku application which in this case personal data is misused by a third party who harms consumers. The conclusion is in this case the solution to the dispute may use civil and arbitration methods or Other alternative dispute resolutions can also be carried out by criminal law in Indonesia. There are no specific settings yet regarding personal data but the use of any data and information in the media electronic data related to a person's data must be carried out on the consent of the person concerned or based on positive law and it is hoped that the Indonesian government and parliament will soon discuss the Personal Data Protection Bill so that Indonesia has special legal regulations regarding personal data will be better prepared to face the challenges of the digital economy can also provide security guarantees against personal data of users or the public.

**Keywords:** Personal Data, E – Commerce, Consumer Protection

## 1. INTRODUCTION

Globalization had such a huge impact on the technology sector in Indonesia. All developments anywhere in this world can be known through the media's existing mass. The information and communication revolution in this era gave birth to a new civilization where life is not limited by time. Likewise, the field of technology has entered and spread into Indonesia, which provides rapid technological developments in the economic sector with the existence of E-Commerce or electronic commerce. With the development of the internet in business media, many new business people are emerging and old business actors are also growing. Buying and selling online or electronic commerce or trading activities through social media called Electronic Commerce or abbreviated as e-commerce. E-Commerce or what can be called also trading through electronic systems according to Article 1 paragraph (2) of the Government Regulation No. 80 of 2019 concerning Trade Through Electronic System. Trade through Electronic System as PMSE is a trade whose transactions are carried out through a series of electronic devices and procedures [1]. This Government Regulation carries out delegation or orders from General Trading Arrangements regulated in Act Number 7 of 2014 concerning Trade and on activities Trade, Article 66. Article 66 of this Law

regulates further provisions on electronic systems in government regulations. which contains the rules of electronic business activities with the intent of the implementation of a fair and trusted trading system and to protect national interests.

This government regulation on Electronic Systems is the basis juridically related to the requirements, implementation, and obligations of the perpetrator business, advertisement, offer, acceptance, confirmation, contract, payment, delivery of goods, exchange of goods in Trading with Electronics System, personal data protection, PMSE dispute resolution to supervision and development of Trading Through Electronic Systems.

In contrast to the regulation in Government Regulation Number 71/2019 concerning the Implementation of Electronic Systems and Transactions, the Government Regulation on Trading Through Electronic Systems regulates the legal aspects of Trade in the implementation and utilization of the Electronic System which is specifically intended for Trade. The purpose of this regulation is to make electronic trading run smoothly and honestly. Its implementation can be beneficial as well as detrimental, such as for personal data that is leaked. Therefore, there is a need for personal data protection.

E-Commerce or electronic commerce plays a major role in connecting various communities into one is like merging

business actors, consumers, and other communities through transactions electronically to trade in goods/services and other information. Business actors take advantage of existing opportunities to offer their products on the website or in online applications because of the ease, effectiveness, and efficiency. People tend to choose online shopping because it's human nature who always wants fast, effective, and accurate. The Internet is the medium fastest in providing information. The rise of online shopping has also caused a new problem in the field of law, especially consumer protection law. One of The problems that must be considered in terms of online shopping are: regarding the legal protection of consumer's data shops online. In conducting online transactions, of course, the consumers must first fill in personal data to achieve the occurrence of buying and selling transactions smoothly and filling in personal data as well to qualify for online transactions.

One of the clear pieces of evidence of the leakage of personal data is in the cases of leaking personal data on the Akulaku platform. I was wrong with a platform that provides intermediary financial services to sellers and buyers as well as acting as intermediaries to carry out transactions accompanied by payment facilities. Akulaku is a little different from other platforms where Akulaku is too provide installment services or cash loans on online platforms independently managed marketplace.

One of the most common cases involving consumers e-commerce users is the misuse of users' data carried out by a third party. Like the case that happened to Dewa Hardana in the middle of 2020. Dewa Hardana is one of the victim's misuses of personal data in the Akulaku application which in this case data Dewa Hardana's personal being misused by a third party and Dewa Hardana must bear the loss.

Apart from the protection of personal data is part of Human Rights, as for personal data, the meaning can be found in Law Number 23 of 2006 concerning Administration Population as amended by Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration. Article 1 number 22 of Law 24/2013 reads: "Personal Data is certain personal data that is stored, treated, and the truth is guarded and its confidentiality is protected."

The right to privacy in Indonesia is protected in secrecy in The Indonesian Constitution, specifically stated in Article 28 G paragraph (1) of the Constitution 1945 which explains that everyone has the right to personal protection, family, honor, dignity, and property under power, and has the right to a sense of security and protection from threats Fright.

There are regulations regarding the regulation of personal data to prevent the occurrence of leakage of personal data, one of which is contained in the Regulations Minister of Communication and Information of the Republic of Indonesia Article 5 paragraph (2) Number 20 of 2016 which reads: "Each Electronic System Operator must draw up rules internal protection of Personal Data as a form of preventive action to avoid a failure in the protection of the Personal Data it manages".

In addition, the protection of personal data is also regulated in Article 26 paragraph (1) of the Electronic Information

and Transaction Law (hereinafter referred to as UU ITE) which reads:

"In the use of Information Technology, data protection privacy is one part of personal rights (privacy) rights). Personal rights have the following meanings:

- a. Personal rights are rights to enjoy life privately and free from all kinds of Interference.
- b. Personal rights are the rights to be able to communicate with (Others without spying).
- c. Privacy rights are the rights to control access to information about a person's personal life and data."

Personal data is confidential to a person and not accessible to anyone. When interpreted in the case of leaking of personal data, no one feels comfortable if their data is in the hands of an irresponsible and afraid person misuse of personal data. Therefore the System Operator Electronics (hereinafter referred to as PSE) which has been entrusted to storing personal data people should build a system with more complex security so they are not easily hacked. In addition to the above regulations, there are also regulations governing: misuse of personal data as stated in the Law No. 19/2016 concerning Amendments to Law No. 11/2008 regarding information and Electronic Transactions article 26 paragraph (2) which reads: "Everyone whose rights are violated as referred to in paragraph (1) can file a lawsuit for the losses caused based on this Law" in the event of a violation of rights concerning the personal data in an electronic system then that person can file a lawsuit for the loss.

The development of internet technology, causing the emergence of crime is known as cybercrime. The appearance of a few cybercrime cases in Indonesia, such as the leakage of personal data what hackers do to hack the PSE security system and collect some personal data that is confidential to someone. With the advent of crime and the advancement of cybercrime, regulations regarding the protection of personal data cannot compensate so that a special legal umbrella is needed that specifically regulates personal data protection.

## **2. THEORETICAL BACKGROUND**

### ***2.1. Legal Protection Theory***

According to Philipus M. Hadjon, Legal Protection is protection of one's dignity and worth, as well as recognition of human rights owned by legal subjects based on general provisions of various sets of rules or rules that can protect something [2].

According to Muktie A. Fadjar the protection provided by law, also related to the existence of rights and obligations, in this case by humans as legal subjects in their interactions with others humans and their environment. As legal subjects, humans have rights and obligations to take legal action [3].

Definition of consumer protection in Article 1 number 1 of Law Number 8 of 1999 concerning Protection

Consumers are:

"Consumer protection is all efforts that guarantee the existence of legal certainty to protect consumers". There is also a consumer protection objective in Article 3 of the Law Number 8 of 1999 concerning Consumer Protection reads: "Consumer protection aims :

1. increase awareness, ability, and independence consumers to protect themselves;
2. to raise the dignity of consumers utilizing prevent it from the negative excesses of using goods and/or services;
3. increase consumer empowerment in choosing, determine, and claim their rights as consumers;
4. create a consumer protection system that contains elements of legal certainty and openness information and access to information;
5. raise awareness of business actors about the importance of consumer protection to grow an honest attitude and responsible for doing business;
6. improve the quality of goods and/or services that guarantee business continuity in the production of goods and/or services, health, convenience, security, and consumer safety."

Law NO. 8/1999 concerning Protection Consumers contain matters relating to consumer protection, which is as follows:

1. The general provisions that exist regarding the definitions used in Law Number 8 of 1999 concerning Consumer protection;
2. Principles and objectives, in Law Number 8 of 1999 regarding Consumer Protection, there are principles regarding consumer protection and consumer protection purposes;
3. Rights and obligations, in Law Number 8 of 1999 Regarding Consumer Protection, there are rights and obligations of parties, namely consumers and business actors;
4. Acts that are not allowed or prohibited by business actors, namely actions related to activities production, distribution, advertising or promotion, close sale, and etc;
5. Provisions regarding the inclusion of standard clauses contain: provisions or rules regarding the inclusion of clauses raw;
6. Responsibilities of business actors, Law Number 8 Year 1999 concerning Consumer Protection also confirms the regulations concerning the responsibilities of business actors;
7. Guidance and supervision shall contain provisions concerning implementation of guidance and supervision in the protection consumer;
8. National Consumer Protection Agency (BPSK), there are provisions regarding the functions, duties, organization, and membership of the Agency National Consumer Protection (BPSK);
9. Non-Governmental Consumer Protection Agency (LPKSM), there are provisions regarding the functions and duties of the Protection Agency Non-Governmental Consumers (LPKSM);

10. Settlement of disputes, there are provisions regarding procedures dispute resolution both through the courts and outside court;
11. Consumer Dispute Settlement Agency (BPSK), there are provisions regarding the duties, functions, and authorities of the Settlement Body Consumer Dispute (BPSK);

In the provisions of consumer protection against the 5 principles in Article 2 Law Number 8 of 1999 concerning Consumer Protection namely the principle:

1. The Principle of Benefit  
The principle of expediency which means that entrusting all efforts or actions in various consumer protection activities must provide the greatest benefit for the interests of the parties namely the business actors and the consumers as a whole.
2. The Principle of Justice  
The principle of justice, so that the whole community can provide maximum participation and also obtain the right to give opportunity for the parties to be able to carry out their obligations fair, namely the consumers and business actors.
3. The Principle of Balance  
In this case, to provide a balance between business actors, consumers, the government. Consumer protection is expected to fulfill all the interests of consumers, business actors, government in a balanced way in terms of regulations and norms and rules in consumer protection.
4. Fundamentals of Peace and Security  
This principle is intended to provide guarantees or security as well as safety for consumers who use, take advantage of goods/services used or consumed. That implementation of consumer protection is expected to realize security and safety for consumers of goods and/or services.
5. The principle of legal certainty  
In this case, business actors and consumers are expected to be able to comply with and implement applicable laws and obtain justice in consumer protection.

## ***2.2 Law As A Tool Of Social Engineering Theory***

Roscoe Pound is a legal expert who does the analysis of jurisprudence and social science methodology. Roscoe Pound is also known as a figure who makes the classification of legal materials. Roscoe Pound contributed thoughts on the theory of "Law as A Tool of Social Engineering" which means that the law is a tool to influence or manipulate society, which means that social change has an interaction relationship, where if there is a social change it will affect the legal sector, and vice versa if there is a change in the law it will have an impact or have an influence on social change [4]. Pound said that the law is a tool of renewal in society, in this term the law is expected can play a role in changing social values in society [5]. Pound argues to be able to apply his theory called

"Law as a tool of social engineering". Pound makes classification regarding the interests that must be protected by law, namely the public interest, the social interest, and personal interest private interest.

According to Mochtar Kusumaatmadja that This theory has a wider reach and scope in Indonesia than in America (its birthplace) therefore Mochtar is more likely to use the word "means" than "tools" because the word "means" has a wider scope and in Indonesia is more directed to legislation - invitation, the aim is to Reforming the legislation is expected to run well and so that the legislation formed is by the laws that live in the community, otherwise, it cannot be implemented. Law as a tool of social engineering can also be interpreted as a means to provide changes to behavior in society by predetermined goals

### **3. RESULT DISCUSSION**

#### **3.1 Akulaku Profile**

Akulaku is an online financial virtual credit application company which was formed in early 2016 and was launched by William Li and Gordon Hou in mid-2016. Akulaku has developed into one of the largest commercial web portals or digital platform business applications (marketplaces) in Indonesia and has been registered as an electronic system operator at the Ministry of Finance, Communication and Information Technology of the Republic of Indonesia [6]. Akulaku is not only an online shopping application with credit financing but also an online loan provider application or commonly known as an online loan. Akulaku is here to make it easier for consumers to make shopping transactions by credit, anywhere and anytime without worrying about cash flow.

In the process, consumers, especially e-commerce users, Akulaku users will have their data collected automatically and data shared voluntarily by consumers. Personal data that Akulaku collects automatically is through the use of cookies or other similar tracking technologies to the extent permitted by applicable Laws. These cookies will contain information including but not limited to:

1. geographic location.
2. IP address.
3. domain name.
4. operating system and platform.
5. IMEI.
6. The requested object.
7. type of mobile device/characteristic of a mobile device.
8. Other information contained in Cookies.

While personal data collected voluntarily by the consumer is during registration and use of the Akulaku application is as follows:

1. Fill in the registration information including but not limited to name, address, telephone number, email address, date of birth, occupation, financial records, list of installed applications, details, and history financial, and any personal data contained in the correspondence

between you and us by email, telephone, or mail correspondence physical data, as well as other information that we may require from time to time

2. Biometric data (via voice files, facial features, or other bodies) that is given when you upload the biometric data to Akulaku.
3. The data you provide when making a transaction and/or using the Akulaku Credit Program service available in Akulaku application.
4. Data you provide through platforms, applications, or third parties, based on your consent to the platform or application related to the extent permitted by the provisions of Applicable Law.
5. Information contained in the correspondence between You and Us via email or physical mail correspondence.
6. Submit criticism and suggestions or complaints to Akulaku.
7. Information contained in your decision with consent if you decide to register for our services or products.
8. Your review or opinion on our services and products.
9. All data and or information that you provide to us directly volunteer from time to time.

#### **3.2 Case**

This case started on May 18, 2020, where there was a debt collector who came to collect at the residence of victims in Surabaya. In the house, the debt collector met with Mrs victim, and admitted that he was from Akulaku and explained to the victim's mother that the person concerned (the victim) has several loans that have been due, and cannot be contacted. Next the debt collector shows a photo of an ID card and also a selfie photo that is on registration data for the loan application. Victim's mother, who saw the photo. The ID and the face are sure that the data is not data son, he then showed a photo of his son (victim) and immediately ordered the debt collector to leave his residence. On that day, the victim immediately contacted customer service Akulaku through the number that is already on the company's official website. Based on the information received from CS, the Victim is listed as Akulaku application users and have several loans. On the other hand, The victim has never registered on the Akulaku application and moreover apply for an online loan. The next day on May 19, 2020. Victim received an email from Akulaku CS which said that the request for a permanent limit block could not be made, because the victim there are still bills that need to be paid, even though yesterday it was conveyed that he had never made any transactions and the data what is in the company is not his data. Two days later, the victim again contacted CS Akulaku and the response from CS only informed that the victim still had to pay the loan bill. The next day my CS Akulaku is back to convey some information including regarding e-mails used for registration is leohardana5454@gmail.com which then it is known that this email is not active and is not an email from the Victim. Next is about the phone number used also not active. The delivery address for the goods is in Depok, Java West, and it is known that ID cards and selfies for

registration are not Victim's data. After five working days, there is still no bright spot regarding this case and a clear solution from Akulaku's side other than the Victim must pay this online loan bill. On May 27, 2020, the final Victim sent an email to Akulaku at cs.id@akulaku.com in the hope that there will be a faster and more precise response. In the e-mail, the victim sent 3 file attachments containing :

1. Reports of misuse of Akulaku's data.
2. Chronology of misuse of personal data.
3. Photo of the victim's ID card for data matching. In the report, there are 6 outputs that I expect, namely:
  - Removal of bills by Akulaku because the victim will not pay for transactions that were never made.
  - Deletion of accounts in the name of the victim's identity because: it's not a Victim's account.
  - Instruct debt collectors to stop collecting money that is not a victim bill.
  - Bleaching the name of the victim in the OJK and BI SLIK (BI Checking) because: it's not a transaction and the victim's account.
  - Preparation of transaction chronology from Akulaku, submission
  - Manipulated Victim's data (KTP) along with the alleged selfie/selfie perpetrator, and other evidence to be forwarded by the victim to the police investigations to take action against the perpetrators.
  - Strengthen Akulaku's verification system. So that there are no victims then like a victim.

On the same day, the victim received a call from Mrs. Tiwi who said: claimed to be Akulaku's Fraud Investigator and gave some of the required information. From the information obtained through the investigator, investigation and handling will last for 14 days work, but until the end of June 2020 (1 month) there is no news from Mrs. Tiwi. No response for one month indicates not yet the follow-up and resolution of the problems encountered by the victim. This also means the bill that is charged to the Victim has not been paid and is getting bloated and the victim will enter in SLIK OJK and BI Checking as debtors/borrowers who have bad records. Next, the victim will file an escalation to the Fintech Association Indonesia and OJK as well as to several legal institution advocacies. In this writing, the author had the opportunity to interview

Mrs. Jeanny Silva Sari Sirait, S.H., who is the legal representative of one of the parties, one victim of the misuse of personal data in the Akulaku Application. He confirmed what happened to the client. Personal data the client is being misused by a third party to apply for a loan online in the Akulaku App while the Client never does activation in the application. Due to irresponsible actions, the client must bear the loss in the form of the collection loan amount to his address and call for payment on the client's phone number. This is very detrimental to the client in terms of material and immaterial [7].

### 3.3 Analysis

Electronic Commerce Transaction is a trade transaction between a seller with the buyer to provide goods, services or take over rights. The position of e-commerce in Indonesian law is closely related to Covenant Law in Civil Law because it involves several parties which in this case involves the Seller, the Buyer, and the e-commerce party. Consumers in e-commerce transactions have a greater risk than the seller or the merchant. Or in other words rights, consumers in e-commerce transactions are more vulnerable to being violated. This is due to the characteristics of e-commerce transactions themselves, namely in e-commerce transactions there is no physical meeting between consumers and sellers which can then cause various problems.

Legal protection for consumers in e-commerce transactions can be found in the Consumer Protection Law and the Information and Electronic Transaction Law. UUPK is the legal basis for consumer protection in Indonesia, while the ITE Law is the legal basis for consumers who conduct e-commerce transaction. The problem that arises in e-commerce transactions is a violation of the privacy of data about a person or in other words called "personal data", this violation is usually in the form of misuse of information collected during registration. Consumers as parties who need products are often required to provide complete information about their identity before starting a transaction. The problem is whether there is a guarantee that the consumer's identity is not used by business actors or irresponsible third parties, to abuse for irresponsible actions as experienced by the Victim in the Akulaku case where his data was misused by a third party. To protect consumers from misuse of the information in the form of consumer identity, it is necessary to guarantee from business actors that consumer identity will not be used defiantly beyond its designation without the consent of the consumer. In this case, article 26 of Law Number 11/2008 has regulated the Protection of Personal Data, article 26 paragraph (1) states that "unless otherwise specified by laws and regulations the use of any information through electronic media concerning a person's personal data carried out with the consent of the person concerned". Privacy is not the same as confidentiality, privacy is a broader concept than just confidentiality which includes the right to be free from interference, the right to remain independent, the right to be left alone, the right to control the circulation of information about a person and in any case. such information must be obtained and used.

In Indonesia privacy in personal data is a part of human rights. This is regulated in the 1945 Constitution of the Republic of Indonesia, but does not explicitly mention privacy in personal data, but regulates the protection of human rights. The concept of personal data protection and data protection can be found in the amendments to the 1945 Constitution Article 28G which reads "Everyone has the right to protect himself, his family, honor, dignity, and property under his control, and has the right to a sense of security and protection from the threat of fear of to do or not

to do something which is a human right.” Based on this opinion, it can be seen that consumer law has a wider scope, where consumer law contains all legal aspects relating to consumer interests and one part of consumer law is consumer protection. Regulations regarding the protection of personal data in transactions This electronic system is contained in Law No. 11 of 2008 Jo. Law No.19 of 2016 concerning Information and Transactions Electronics contained in Article 26 paragraph (1). In the article it is clearly stated that the protection of personal data is one part of personal rights (privacy rights), these personal rights contain meaning as follows [8]:

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

Protection of personal data is also regulated in article 31 paragraph (1) and paragraph (2) which reads [9]:

1. “Any person intentionally and without rights or against the law interception or wiretapping of electronic information and/or electronic documents in a computer and/or system certain electronics belonging to someone else.
2. Any person intentionally and without rights or against the law interception of information transmission and transactions electronic and/or non-public electronic documents from, to, and within a computer and/or system other people's electronics, both those that don't cause any change or which causes a change, omission, and/or termination of electronic information and/or transmitted electronic documents.”

In that article what is meant by the interception or tapping is an activity to listen, record, deflect, alter, block, and/or log transmissions information and electronic transactions and/or electronic documents that not public, either using a communication cable network or wireless networks, such as electromagnetic radiation or frequency [10].

If there has been a breach of personal data the consumer, the consumer can file a lawsuit according to with what is stated in Article 38 of the ITE Law which contains:

- I. "Anyone can file a lawsuit against the parties which operate an electronic system and/or using information technology that creates loss.
- II. The public can file a lawsuit on a representative basis against the party that organizes the electronic system and/or uses information technology that results in harm to society.

Settlement of the dispute can use civil methods and arbitration or other alternative dispute resolution may also be carried out by the existing criminal law in Indonesia.

Law No. 11 of 2008 concerning Information and Transactions Electronic, which is described in Articles 45 to 52. Which then concerns the importance of protecting personal data contained in article 15, namely:

- (3) “Mandatory Electronic System Operators, to:
  - a. maintain confidentiality, integrity, and availability Personal Data it manages;
  - b. guarantee that the acquisition, use and utilization of Personal Data based on the consent of the owner of the Personal Data, unless otherwise determined by laws and regulations; and
  - c. guarantee the use or disclosure of data carried out with the consent of the owner Such Personal Data and in accordance with the purpose submitted to the owner of Personal Data at the time of data acquisition.

(4) In case of failure in secret protection Personal Data it manages, System Operator Electronic must notify in writing to the owner of the Personal Data.

(5) Further provisions regarding the guidelines Protection of Personal Data in Electronic Systems as referred to in paragraph (2) is regulated in Ministerial regulation."

With the provisions in Article 15 paragraph (3) then further provisions shall be regulated in a Ministerial Regulation. In the Regulation of the Minister of Communication and Information Technology No. 20 years

2016 concerning Protection of Personal Data in Electronic Systems. As stated in Article 2, it is clear how to protect personal data. In Article 2 paragraph (1) it is clear that the protection of Personal data on an electronic system must be with an electronic system that is already certified and have internal rules on the protection of Personal data that must pay attention to aspects of technology, resources, people, methods, and costs. Electronic system operators (in terms of this is e-commerce) must pay attention to data protection aspects of individuals in the process of acquiring, collecting, processing, analysis, storage, display, announcement, delivery, dissemination, and destruction of personal data. So basic the thought of this Candy in the article is respect to personal data as a person's privacy. The privacy intended here, is the freedom of the owner of personal data to state whether or not his personal data is confidential, as long as it is in accordance with the provisions of the legislation [11].

Personal Data Protection in Electronic Systems is carried out on process:

- a. Acquisition and collection;
- b. Processing and analysis;
- c. Storage;
- d. Appearance, announcement, delivery, dissemination, and/or opening access; and
- e. extermination.

The rules regarding the protection of personal data include Sectoral implementing regulations such as OJK Circular No. 014/SEOJK.07/2014 Regarding Data Confidentiality and Security and/or Consumer Personal. This OJK Circular Letter stipulates that Financial Services Businesses (PUJK), including banks, are required to protect consumer's data and or information and prohibit it by anything to provide consumer personal data and or information to third parties [12].



The right of the owner of personal data is contained in Article 26 of the PERMENKOMINFO No.20 Year 2016, as follows:

Data Owner Individuals are entitled to :

- a. For the confidentiality of his Personal Data;
- b. File a complaint in the context of resolving a Data dispute Personal for failure to protect the confidentiality of his Personal Data by the Electronic System Operator to the Minister;
- c. Gain access or opportunity to change or update their Data without disturbing the management system Personal Data, unless otherwise provided by regulatory provisions legislation;
- d. Gaining access or opportunity to acquire historically Personal Data that has been submitted to the Operator Electronic System as long as it is still by the provisions legislation; and
- e. Requesting the destruction of his Certain Personal Data in Electronic System managed by System Operator Electronic, unless otherwise provided by regulatory provisions legislation.

In the article, it is clearly stated that the owner of the data can claim their right to the confidentiality of their data, have the right to file a complaint in the context of resolving data disputes private has the right to get access to historical data personal data, and has the right to request the destruction of certain personal data.

Because no law officially regulates the protection of personal data then article 26 can be used as a reference in prosecution of data owner rights, including as a reference for online consumers in the prosecution of their data protection rights to the parties involved in the collection, processing and the use of the consumer's data, because online transactions included in transactions through electronic systems. The leakage of personal data of consumer users is very much incurred losses. The need for serious follow-up and also counseling and distribution of information about the importance of protecting personal data is something that the author needs to hurry. This misuse of personal data also has an impact not only on the consumer victim but also on the platform the marketplace, for example, the lack of public trust against him. Consumer protection based on the contents of the agreement agreed between the parties can be obtained by the consumer by filing a claim for their rights to the producer by terms of the agreed terms of the agreement. Agreement or engagement This electronic process occurs by integrating the network of systems computer-based information with a communication system that is based on telecommunications networks and services, which is facilitated by the global internet network. Therefore, I guess the validity of the agreement will also depend on the essence of the system itself, so that the agreement can be said to be valid if it can be guaranteed that the components in the electronic system can be trusted and working properly [13]. In general, regulations regarding the protection of personal data This is contained in Law No. 11 of 2008 Jo. Law No.19 of 2016 concerning Information and Transactions Electronic. This law does not contain rules for protecting personal data firmly and comprehensively.

Nonetheless, indirectly This law immediately gave birth to a new understanding of protection to the existence of electronic data or information either public or private. Protection of personal data in the electronic system in the ITE Law includes protection from unauthorized use, protection by system administrator electronics, and protection from illegal access and interference. In essence, the use of any data and information in electronic media that related to a person's data must be done with consent of the person concerned or based on positive law (regulations) legislation). There are no rules that specifically regulate the protection of personal data in the ITE Law so rules are needed in law enforcement, one of which is implementing regulations UU ITE, namely the existence of Government Regulation No. 82 of 2012 concerning System Operation and Electronic Transactions. Apart from PP No. 82/2012 concerning the Implementation of Electronic Systems and Transactions there are also implementing regulations in the Regulation of the Minister of Communication and Informatics No. 20 of 2016 concerning Personal Data Protection in Electronic Systems. Every operator of an electronic system is required to notify in writing to the Personal Data Owner in case of failure protection of confidential personal data. As for the information that must be delivered, among others:

1. reasons or causes of failure of data confidentiality protection personal can be done electronically;
2. it must be ensured that it has been received by the Personal Data Owner if the failure contains a potential loss for concerned; and
3. a written notice is sent to the Data Owner Personal no later than 14 (fourteen) days since it is known the failure.

From the above, it is clear that the Akulaku application should be able to handle the case experienced by the Victim Consumers more precisely and clearly and in a time that should not be too long. Even if it took a long time ago, the victim should have been informed about the developments, and not ignore the facts that were experienced by the victim. It is intended that consumers Avoid scams by irresponsible people. Indonesia also has a draft law (RUU) Personal Data Protection which is still in the stage of discussion. Convergence of Personal Data Protection is important for Indonesia but has not been implemented, even though the convergence is important for providing privacy and personal data protection equivalent to other countries. Arrangements to be compiled in the Draft The law is expected to place Indonesia on an equal footing with countries with advanced economic levels, which have implemented laws regarding the protection of privacy and personal data. Thus, it is hoped that the PDP Bill can become the basis for the rules regarding Data Residency, Data Sovereignty and Data Localization belongs to Indonesia which is certainly made more in line with the constitutional mandate and safeguard the interests of National, if the country's digital boundaries have been set [14]. Thus, it is hoped that the government and parliament will Indonesia to immediately discuss the Personal Data Protection Bill so that Indonesia will be better prepared to

face economic challenges digital can also provide security guarantees for personal data users and can provide strict sanctions against parties who misuses the personal data of others.

#### 4. CONCLUSION

The protection of consumer personal data on the marketplace cannot be separated from the UUPK so that the law also regulates the protection of personal data, although not explicitly. Consumer protection in Article 2 of the Law on consumer protection based on benefits, justice, balance, security, and consumer safety, as well as legal certainty, is translated into provisions for the protection of consumer personal data. In general, regulations regarding the protection of personal data are contained in the ITE Law. This law does not yet contain rules for the protection of personal data strictly and comprehensively. Protection of personal data in an electronic system in the ITE Law includes protection from unauthorized use, protection by electronic system operators, and protection from illegal access and interference. In essence, the use of any data and information in electronic media related to a person's data must be carried out with the consent of the person concerned or based on positive law (statutory regulations). Indonesia also has a Personal Data Protection Bill (RUU) which is still in the discussion stage. The arrangements that will be drawn up in the Draft Law are expected to put Indonesia on a par with countries with advanced economic levels, which have implemented laws regarding the protection of privacy and personal data.

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