
THE IMPORTANCE OF PROTECTING THE PERSONAL DATA OF SOCIAL MEDIA USERS IN THE ERA OF DIGITALIZATION

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ARTICLE INFO

Keywords :

Technology; Personal data; Social media.

How To Cite :

Gufran., Nggilu N. M., Puluhaulawa F. U. (2019). The Importance Of Protecting The Personal Data Of Social Media Users In The Era Of Digitalization *Estudiante Law Journal*.7(2): 436-447

DOI:

ABSTRACT

Technology that moves forward and develops over time makes various kinds of changes happening around us. Social media was born as a form of technological sophistication itself that brings convenience to its users. This study uses normative methods by analyzing forms of legal protection in the context of personal data contained in several related laws. It is hoped that this article can be a characteristic of the knowledge of its readers in building a common awareness of the importance of protecting each other's data from crimes that may lurk. The results obtained through this study through various existing laws related to the form of personal data protection itself are not spelled out explicitly, causing legal blurring that leads to less effective enforcement of existing laws as a form of personal data protection.

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1. Introduction

1.1 Background

In the modern era, technological developments are evolving rapidly over time. Technological advances make it easier for humans to carry out various activities. Information technology has changed the global social structure and led to major changes in socio-cultural, economic, and legal frameworks.¹

Humans can be said to be creatures that have specialties. The existence of this privilege gives birth to the right of the human being to be recognized, appreciated, and respected. The theory that often appears in the history of the human mind is that human privilege lies in the form of man himself, as found through his mind, then the human privilege is rational. The rights that people find rationally are considered eternal and remain valid. Everyone else, including the government, must heed it, by making laws based on those natural rights.²

Hukum is used as one aspect of the constitution. Based on these arguments, it can be seen that in terms of constitutionality, it is not excessive to say that the state of law can be said to be one of the goals of the Indonesian nation and state to establish this country.³

The development of society today is the industrialized and sustainable development of telecommunication technology relations between countries are global. Thus this inevitable influence of the development of Indonesian society was established in the era of reform facing various economic and socio-cultural political crises, processing to make the country and the State of Indonesia still think it exists between countries in the world.⁴

In this case, especially the use of smartphones can not be separated from the form of communication and information means through social media combined with internet technology. Selain pemanfaatan dalam bidang komunikasi dan informasi, internet technology juga givekan pengaruh yang sangat kuat pada perekonomian dunia⁵.

¹Muhammad Na'im Al Jum'ah.(2018).*"Analisa Keamanan Dan Hukum Untuk Perlindungan data Pribadi"*.*CyberSecurity Dan Forensik Digital*, 1 (2), 39-44.

² Dolot Alhasni Bakung, Mohamad Hidayat Muhtar.(2020). *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right* . *Jalrev*, 2(2), 65-82.

³ Ahmad Wijaya, Nasran Nasran.(2021). *COMPARISON OF JUDICIAL REVIEW: A CRITICAL APPROACH TO THE MODEL IN SEVERAL COUNTRIES*. *Jurnal Legalitas*, 14(2), 85-105.

⁴Supanto. (2016). *"Perkembangan Kejahatan Teknologi Informasi (Cyber Crime) Dan Antisipasinya Dengan Penal Policy"*. *Yustisia*, 5(1),52-70.

⁵ Mohamad Rivaldi Moha, Sukarmi, Afifah Kusumadara.(2020). *Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce*. *Jalrev*, 2(2), 101-119.

The development of digitalization of information and communication technology in the form of social media exposes society to a new reality that is the mortal world that is visible from the screen of devices/gadgets but in sync with real life. Digitalization is ushering people into a new era of disruption⁶.

The author himself believes that over time, the existence of smartphones is an example of the development of technological maturity. "The more complex smartphones on the market, the more applications that support *smartphone performance*."⁷.

In this current era, digital technology has become an inescapable necessity in the reality of modern humans. Inevitably, various activities can not be separated from the existence of technology. Technology is a necessity of life and has become a necessity of life for modern society in carrying out various activities.

Taking social media as an example, we know that in its development, its users can always easily access information and transact with others, even making it easier for us to meet new friends virtually from different countries/regions, as some emerging social media platforms that refer to the way a person or its users to share information or make trade transactions without having to communicate face-to-face because of the features provided by the social media *platform* itself.

Regarding the above point of view, the author not only speculated examples of cases that I can describe, including, Cambridge data analysis company *Analytica* once used Facebook's data to win over Donald in connection with the theft of personal data on social media (reported *kompas.com*). Trump campaign makes a fuss similar situation has occurred in Indonesia recently. Tokopedia CEO William Tanuwijaya reported from *Kompas.com* and sent an email to his customers to explain the data theft on his platform. In early May 2020, it was reported that hackers hacked the data of about 90 million Tokopedia users. The data is also sold freely.

1.2 Problem Statment

1. What is the form of legal protection that specifically regulates the protection of personal data?
2. What steps do social media platform providers take in protecting their users' data?

1.3 Research Methods

This research includes a type of normative research using conceptual approach methods that in addition to the author using the case approach method by attaching several cases

⁶ Moh. Rusdiyanto U. Puluhalawa, Riski Husain. (2021). *BODY SHAMING THROUGH SOCIAL MEDIA AS A DIGITAL CRIME IN THE ERA OF DISRUPTION*. *Jalrev*, 3(1), 112-123.

⁷Jufryanto Puluhalawa. (2016) .*"Reformulasi Pengaturan aplikasi I-Doser Sebagai Narkotika Digital"*.*ARENA HUKUM*, 9.(3), 368-385.

taken from various news sources that the author then describes in this article. The sources used are primary legal materials in the form of laws, and secondary legal materials in the form of related legal books and in the form of information that authors get from the internet by using literature studies as a method in data collection which then qualitative data analysis becomes the author's choice in preparing articles.

2. Analysis and Discussion

2.1 Forms of the legal protection of personal data

Technology is growing rapidly from year to year, the dynamics of people's lives are slowly changing along with the arrival of globalization. Various sectors began to progress as if answering the challenges with the presence of globalization in society. No exception to the law, it evolves with the times. The integration of *information and communication technology (ICT)* in everyday life indicates that people are increasingly dependent on technology and information. This condition can also be understood as a signal that the level of vulnerability of society is getting higher, which is vulnerable to attacks or interference when using information technology. If there are problems related to ICT, people's life routines can be disrupted and panic arises both on an individual and social scale. Technology and law have become a part of everyday human life, something Langdon reminds us of.⁸ Issues related to the right to privacy cannot be separated from the law itself, here are some legal bases that can be used as a reference related to the right to privacy.

In Indonesia for self-privacy-related regulations and personal data protection include:

1. Banking Law No. 10 of 1998 concerning Banking (Banking Law)
2. Law No. 36 of 1999 on Telecommunications
3. Law of the Republic of Indonesia Number 8 of 1999 on Consumer Protection (Consumer Protection Act)
4. Law No. 39 of 1999 on Human Rights (Human Rights Act 1999)
5. Law No. 23 of 2006 on Population Administration (Population Administration Act 2006)
6. Law No. 11 of 2008 on Electronic Information and Transactions (ITE Act 2008)
7. Law No. 14 of 2008 on Public Information Disclosure (Public Information Disclosure Act)
8. Law No. 36 of 2009 on Health (Health Act 2009)

⁸Danrivanto Budhijanto, *Teori Hukum Konvergensi*. (Bandung : Refika Aditama, 2014), 51.

9. Government Regulation No. 82 of 2012 on The Implementation of Electronic Systems and Transactions (PP ITE 2012)
10. Presidential Regulation of the Republic of Indonesia Number 67 of 2011 concerning the Application of National Population Identification Card Based on Population Master Number (Perpres KTP 2011)
11. Bank Indonesia Regulation Number: 7/6/PBI/2005 on Bank Product Transparency and Use of Customer Privacy Data (PBI No 7/6/PBI/2005)
12. Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 on Information and Electronic Transactions.

In the 12 articles that the author has described above related to laws governing privacy and personal data in the view of the author, there are still some weaknesses that overall the author concludes through the results of the author's analysis based on the laws that the author listed above, including forms of legal protection that are only described implicitly or in other words there are no specifications that regulate the law. about the form of the legal protection of the data itself, so that the author feels the need for the latest law that specifically regulates personal data because the author also feels even though the law on privacy and personal data itself has been listed in the twelve articles. Scattered in the law the description contained in the law and related articles do not provide legal clarity, thus causing the blurring of the law itself, and the course has an impact on the form of its implementation so that its effectiveness is not obtained to the maximum.

The author himself hopes that there will be legal clarity, especially from the results of the analysis of the author of the law related to the crime of personal data theft only focuses on the crime by the perpetrator but the form of compensation or compensation on the part of the victim himself is not elaborated further, it is certainly the responsibility of the government to pay more attention to this problem, which not only provides a deterrent effect on the perpetrator but also justice that must be obtained by the victim. the victim's side. In addition, the author also advises regulating the right to data retention carried out by service providers because this is also at risk of dissemination related to the sale and purchase of data for certain purposes.

The main problem with weak legal protection of personal data is that so far, no legal sponsor has explicitly covered legal issues handling the misuse of personal data. Deploying personal data protection regulations into existing laws and regulations as if they were bulletless firearms because law enforcement officials must disrupt the overlap of existing regulations. On the other hand, researchers believe the current legal

conditions indicate a loss. Personal data crimes are not specific crimes but common crimes.⁹

Today humans are experiencing a change that is getting faster and faster, conditions that are rapidly arising because of the factor sophistication of information technology. People's lives undergo an inevitable shift when the technological boundaries of the state no longer limit people's movement over sources of information, this makes the emergence of awareness to know each other between people. Technology has opened up enormous access for people to sources of information. Internet media as a communication tool as well as a source of information plays a big role in the change of society towards modern society. This will provide opportunities for democracy and openness in all areas including government.¹⁰

Data has become an identity for someone who can be exchanged for a variety of things. One of the uses of data is to register and get services from various digital platforms. The platform itself is one of the electronic devices included in the electronic system. This was also alluded to by President Jokowi in his 2019 State of the Union Address with the solution that data sovereignty needs to be realized with the creation of regulations on the protection of personal data of Indonesian citizens, for the sake of alerting Indonesia from cyber threats, including data misuse. This becomes important when the data is collected in large quantities such as names, mobile phone numbers, birthdays, addresses, shopping habits, even drugs that are often purchased online which can then be utilized by certain parties to gain profits without the consent of the data owner.

In 2019, nearly 80% of Indonesians are vulnerable to becoming victims of cybercrime. One of the causes is the lack of awareness from Indonesian internet users to protect their data. Research from the Indonesian Internet Service Providers Association 92% of their respondents easily enter personal data information in the form of names into applications on the internet, then 79% provide information about their place and date of birth, even 65% give a personal address.

This is compounded by the absence of a separate law (UU) that regulates the protection of personal data in Indonesia. So the author assesses that the implementation of the law on the form of personal data protection has not been optimal as expected by the author. Regulations regarding the protection of personal data in Indonesia are currently spread across various regulations both at the low level and implementation rules whose effectiveness in protecting the public is doubtful. This is proven through cases of misuse of NIK and KK through card registration through mobile phones.

⁹Fenty U. Puluhuwa et.al. (2020). " *Legal Weak Protection of Personal Data in the 4.0 Industrial Revolution* . *JALREV*, 2(2), 182-200.

¹⁰*Ibid*

The indiscretion that occurs in terms of the use of personal data and the form of handling personal data from theft in electronic media amid the digital economy era is now often the case, so that such circumstances require a good policy in the establishment of laws and regulations that specifically provide legal protection to everyone's data and how to deal with good through legal or non-legal means as a "guardian" for developments in the direction of The digital economy is running in an orderly manner. However, the handling of personal data in Indonesia in legal instruments specifically does not exist and is still sectoral so it is not enough to encourage the development of the digital economy in Indonesia.¹¹

In some references that the author found precisely there are twelve articles related to the protection of privacy data, it's just that it is still scattered in some laws so that the author feels there is a legal blur that causes its implementation is still less than optimal because there is no law that specifically regulates this issue. in this case, the author's expectations regarding what aspects should be regulated in privacy data protection are The parties as data processors can provide good protection efforts for their consumers as well as the government in this case as a policymaker related to regulations to protect privacy data because in modern times such as today privacy data becomes a high economic selling point, it will be very dangerous if the technology that is growing so rapidly is not accompanied by changes in existing laws that result in a vacuum. law or the law itself. In this case, the author also mentioned the right to retention of social media users' privacy data which often violates the policy against the limits of the provision of detention of one's privacy data.

1.2 Steps were taken by social media platform providers in protecting users

New media is the third generation in political communication that allows anyone to be a producer as well as a consumer of information. Patterns of reciprocity and connectedness that are personal, but often artificial, become their challenges as candidates to position themselves amid random and instant information.¹²

Information technology and telecommunications are inevitably spearheading the era of globalization that is now sweeping all corners of the world. This situation gave rise to the birth of a new world that is often called a global *village*, in which there are citizens called citizens of the network (*netizens*). Ashadi Siregar said that the merger of computers and telecommunications gave birth to a new phenomenon that changed the conventional communication configuration model, giving birth to a reality in the third dimension.¹³

¹¹ Muhamad Hasan Rumulus, Hanif Hartadi.(2020). "KEBIJAKAN PENANGGULANGAN PENCURIAN DATA PRIBADI DALAM MEDIA ELEKTRONIK.Jurnal HAM. 11 (2), 285-299.

¹²Gun Gun Heryanto,"Media Komunikasi Politik: Relasi Kuasa Media di Panggung Politik"(Yogyakarta: IRCisod , 2018), 23.

¹³R.A. Emma Nurita, *Cyber Notary : Pemahaman Awal dalam konsep pemikiran*, (Bandung: Refika Aditama, 2012), 93.

If the first dimension is a hard reality in empirical life (it can be called *hard reality*), then the second dimension is a reality in symbolic life and values that in symbolic life and values formed the progress and development of technology, especially in telecommunications, multimedia and information technology will ultimately change the entire order of organization and social relations of association. Those who have been able to enjoy the benefits of the technology, proven to have increased economic strength and become a relatively prosperous group, matched with the term (of reality) that gave birth to another format of society.¹⁴

The platform provider as an application service provider has a responsibility in creating or developing products to meet the needs of its users as consumers. Of course, social media itself as a digital application does not escape responsibility by the platform provider itself.

The development of social media in a society that is increasingly creeping into various sectors of life with diverse goals and interests, the rise of the use of social media itself is slowly changing the way people view things, the increasing use of social media as a communication media millennial society brings writers to get to know this form of virtual-based communication.

How to benefit in the era of internet-based social media is not the same as in the era of print media, namely on subscription fees (*subscription*) and or advertising places on the media. Internet business schemes revolutionized this by providing the advantage of data about complete user profiles, user hobbies, and habits, browsing user history, and when possible, the political and social preferences of users. This data is boldly purchased expensively by organizations or companies that need it, retail companies or online shopping for example, for directed-marketing purposes, or survey organizations, for example, for directed-marketing *politicians* and or political parties. It was roughly this business scheme that led Facebook to buy WhatsApp, an instant messaging app that had no profit but had 450 million active users (at the time), worth \$19 billion.

On the other hand, in 2021 the use of *the add yours* feature on Instagram began to be discussed. However, the use of this feature for the author itself has the potential to be a target for personal data theft. This is also reinforced by UGM Information Technology Expert, Dr. Ridi Ferdiana, S.T., M.T. According to him, the challenge is very dangerous because it asks for all personal information that is generally used for private activities such as banking and other legal activities. He also mentioned that the information shared in the challenge could be accessed by others and there were opportunities to be used for irresponsible or open loopholes for social engineering crimes.¹⁵

¹⁴*Ibid.* hlm 94

¹⁵ Ika (2021), "Pakar UGM Jelaskan Risiko Pencurian Data Lewat Add Yours Instagram". <https://www.ugm.ac.id/id/berita/22014-pakar-ugm-jelaskan-risiko-pencurian-data-lewat-add-yours-instagram> (Diakses pada tanggal 24 Desember 2021).

Social Engineering or social engineering according to KBBI in the form of the use of fraudulent means to gain access to computer systems protected by keywords or user identities. Fraudsters take advantage of the victim's negligence to seek personal data from the victim. Then, the data obtained can be used by the perpetrator to get personal benefits.¹⁶

The linkage between personal data and social media according to the author himself is commonplace, considering that the input of data that is self-made is often used as a condition to using the media platform social although certain trends do not escape the risk of personal data theft.

The rest according to the author, social media as a modern form of communication that connects interested people united in a virtual space is often a double-edged sword in its use, this is not without foundation at all, looking at some of the cases that the author has described in previous chapters. This can be a picture that the presence and rapid development of technology that has an impact on changes in behavior, norms, and morality itself can not be separated from its relation to social media so that a proper arrangement is needed for the sake of mutual benefit.

For the steps taken by social media platform providers, more or less they use encryption methods to protect users from outside dangers, especially privacy and personal data issues. Some social media such as WhatsApp, telegram, signal, and some other social media use this method to always provide comfort and security in activities on social media.

The history of encryption has been going on thousands of years ago, the goal is that when a message is being delivered to the recipient of message when intercepted and seized on the road, the message still cannot be read easily the contents, because it no longer contains standard writing, but writing that has been encrypted with certain methods. Suppose a message containing the phrase "How Are You, encrypted with a very easy technique by advancing a letter, would be written to "Bbq Lbcbs". Without knowing the key, the "usurper" of the message cannot read the message. Encryption technology is now much more sophisticated, *128bit*, *256bit*, where messages if sent and hacked in the middle of the road - to find out the contents by "brute force", try all the keys by the computer - will be able to last years until it can be read.

On the other hand, the author also hopes that there will be the addition of features that can optimize the security of user data so that the risk of personal data theft can be minimized either by adding phishing link detection features or more sophisticated features over time and the increasing need for user security in social media.

¹⁶ *Ibid*

3. Conclusion

Currently, the form of the legal protection of personal data, especially for WhatsApp users has not been maximal, this is because no law specifically regulates the protection of personal data itself, especially for social media, this causes data theft to occur, especially in the WhatsApp platform itself, implicit explanations related to personal data that are spread in some laws still meet legal obscurity that leads to not maximal enforcement related to the theft of personal data.

The steps taken by the platform provider in protecting the personal data of its users are also quite good. It's just that even with the way of encryption users can breathe a sigh of relief, but the dangers of social media will also increase as well as the mode used, so that user caution and application optimization can minimize crimes in cyberspace, especially for the theft of personal data.

3.2 Suggestion

The government should immediately close the personal data protection law because the rise of cases of personal data theft makes anxiety in the community environment, this is because in this era of digitization many individuals have started targeting personal data users because it has a high economic value which in addition to regulatory clarity on the form of compensation for victims also needs to be considered. Awareness of the importance of understanding digital literacy is also expected by authors to foster public awareness of the importance of protecting personal data by not just spreading personal information. On the other hand, the authors also expect clear policies related to data retention by platform provider companies and optimize related security features to minimize cybercrime that often lurks.

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