

# Juridical Review of Consumers' Legal Protection Relating to Personal Information Registered with Virtual Wallet Payment Services

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## Abstract

*The rise of online shopping has given rise to the most recent legal cases, particularly in the area of consumer protection law. The legal protection of online purchasers' personal information is one of the most obvious concerns that need to be addressed. This research aims to identify by legal means the legal protection system linked to individual information registered with virtual wallet payment services and to identify by legal means the legal reinsurance for customers in the event that the legal protection system linked to individual information in the virtual wallet payment service is compromised. The research procedure is normative, observing all applicable laws and regulations pertaining to the monitored legal rumors. Arrangements for the Protection of Individual Information have been included in certain laws and regulations pertaining to Individual Information, but this is not sufficient because the laws and regulations lack a real form of liability for the Electronic System Executor. Until then, the House of Representatives and the rulers are obligated to enact more organized and precise regulations regarding the Protection of Individual Information in their capacity as institutions that create such regulations.*

## Keywords

consumer protection law; online shopping; personal information; indonesia



## I. Introduction

Advances in technology, data and communication allow the distribution of data and information in a lightning way. The internet, which was originally only for publishing data (one way) after that changed to a more interactive pattern and subsequently became a tool for doing business (Edmon Makarim, 2014). Communication is the process of delivering messages by someone to other people to tell, change attitudes, opinions or behavior either directly orally or indirectly through the media. In this communication requires a reciprocal relationship between the delivery of messages and recipients namely communicators and communicants (Hasbullah, et al: 2018). Data alteration using an open network architecture allows alteration to be attempted beyond the territorial boundaries of the country (cross border). Advances in pc systems and the internet make data easy to find and break down (Rosadi, 2015). The advancement of the internet can also be a tool to fulfill the will of citizens who want to buy in a lightning and efficient way without the need to look at if, where and what kind of atmosphere they are at that time, and all of that can be facilitated by buying and buying online (Bertus Calvin, 2019).

The rise of shopping online has given rise to the latest legal cases, especially in the legal aspects of customer protection. One of the obvious problems that needs to be looked

at is the legal protection of individual customer information that buys online. This is because online business actors can easily get individual data on customer matters. One of the methods of online effort actors can get individual data from customers is in the way of business. Before carrying out a business, online customers are required to load an online ticket or be asked to respond to problems with a personal nature. In the collection and processing of information, it is vulnerable to the formation of hacking of individual information. A person's individual information is easily spread out and transferred in a way that is at will without the control of the owner of the information. Not only that, but the ability of the information movement to link multiple jurisdictions gives rise to confusion, most notably from a national security perspective. This matter is meaningful to be observed due to the rampant problem of leakage of individual information intertwined in virtual wallet payment services, such as those that are intertwined with customers of one of the legal bodies in Indonesia is PT. Shopee Indonesia.

In the law of caution, the point of law is a very meaningful thing to review, remembering in the point of law sticking to a right and a role. That is, with the existence of these rights and roles, until the legal points can play a role in carrying out legal ties or can play a role in exercising the authority of the provisions based on the legal determination that exists. Therefore, it is to be explained the comparison of the points of law with the form of individual people and the body of the law.

One illustration of the problem of leaking individual information on virtual wallet payment services is a problem that is intertwined with Shopee consumers. A Shopee consumer has been frankly burdened with the leakage of individual information about their Shopee account by an irresponsible person. Shopee consumers said that the beginning of the incident was the presence of a call coming into his cellphone which was straightforward from Shopee, saying that all individual information on the Shopee account belonging to the consumer made consumers believe that the person who called him was true from Shopee. The person informed that the consumer received a reward of Rp3,000,000,000, but because the person began to plead for individual habits such as atm pinning needles to make consumers prejudiced and close their phones. After that, consumers checked their Shopee accounts and consumers were shocked by the existence of Shopee PayLater and Shopee Sanggam lawsuits of IDR 3,000,000,000.

In relation to the protection of individual information, Indonesia does not yet have provisions that regulate in a special way the protection of individual information at the legal level. But at least there is some determination of legislation that has arranged a role in sharing the protection of individual information in Indonesia. Population Administration Law is one of the determinations that has been organized in a more specific way the grouping of individual information. The beginning of the scope of individual information for Law Number. 23 Of 2006 concerning Population Administration has also been replaced in Law Number. 24 of 2013 (Population Administration Law).

The terminology of individual information is submitted in the regulations on the legal basis among which there is a Ruling Regulation Number. 82 Of 2012 concerning System Exploration and Electronic Business. 14 PP Number. 82 or 2012 delegates responsibility to the executor of the electronic system to protect the perfection of individual information and to seek the consent of the owner of the information to each acquisition, use, exploitation and disclosure of individual information. But so, PP Number. 82 or 2012 does not reflect the principles under the protection of individual information in a more detailed way. Then there is also the Regulation of the Minister of Communication

and Informatics Number. 20 Of 2016 concerning Protection of Individual Information in Electronic Systems.

Sourced from the explanation of the framework above, the author was enamored in carrying out a review of the form of legal protection for customers who carry out online shopping using the virtual wallet payment service compiled in a thesis with the head of the essay" JURIDICAL Study of LEGAL Protection to Customers Linked to Individual Information Registered ON VIRTUAL Wallet PAYMENT SERVICES".

## **II. Research Method**

This legal research is attempted by using a case approach based on statutes and an abstract approach to legislation. This statutory approach is tried by observing all the laws and regulations concerned in relation to the rumors of the law that are again being monitored, on the contrary. Abstracts are tried by making something designed to be used as a reference in this research. This research uses the subject matter, inferior and tertiary laws.

The procedure for inductive analysis of quality, is the procedure for analysis by carrying out an analysis of the laws and regulations related to the case (conclusion of the problem) that exists in this thesis is made after that it is correlated with some of the basics and philosophies that are the basis or knife of analysis in the preparation of this thesis as a stage to create conclusions, paths of departure or a perfect conception of the state that is being reviewed.

## **III. Result and Discussion**

### **3.1 Overview of Consumer Personal Data Protection on Virtual Wallet Payment Services**

The interpretation of Customer Protection is put forward by various legal experts, one of which is Az. Nasution. He described Customer Protection as part of the law that contains principles or rules that are habitually organized and also have a disposition that prevents Customer needs. There is also a Customer law referred to as the totality of principles and legal rules that regulate bonds and problems between various parties to another similar to each other related to objects and or or customer service in life associations (Nasution, 2003). For Shidarta itself, Customer Protection is the totality of principles or rules, bodies and ways that regulate people's activities in relation to efforts to protect customers (Shidarta, 2004).

Article 3 of the Law of the Republic of Indonesia No. 8 of 1999 concerning Customer Protection is the content of national development as well as stated in the description of Pasal 2 of the Customer Protection Law which states that customer protection is a joint effort based on 5 (5) bases related to national development, because the purpose of customer protection contained is the final target that must be achieved in the application of development in the legal aspects of customer protection (Ahmadi Miru and Sutarman Yodo, 2017).

Customer Interpretation of Article 1 Paragraph (2) of The Financial Services Daulat Regulation No: 1 or POJK. 07 or 2013 concerning Customer Protection of Financial Service Zones<sup>44</sup> and Article 1 Paragraph (15) of the Financial Services Daulat Law, if: 45 "Customers are parties who put their funds and or or use services in financial service agencies, including customers in banks, investors in the capital market, policyholders in insurance, as well as participants in the pension budget, are sourced from laws and regulations in the financial services zone". Each customer has the right and insight that the

rights of the customer are very meaningful matters so that citizens can become critical and independent customers.

For Irwantoko, online shopping is a way of purchasing objects or services by customers to merchants or in real time, without services and via the internet. This virtual outlet changed the paradigm of how to buy objects or services limited by walls, merchants, or malls. This matter is intended that in marketing there is no need to be obliged to meet consumers in a direct way, creating a form of market in a physical way, but only by pointing to the screen of the monitoring device, with an internet connection connected, we have been able to carry out selling or buying interactions in a lightning and safe way.

### **3.2 Leakage of Consumers' Personal Data on Virtual Wallet Payment Services**

Welcome to the Shopee platform operated by PT Shopee International Indonesia and its affiliates and subsidiaries (in an individual way and together, it is also said "Shopee" or "we" or "us"). Shopee is seriously responsible for legal personal laws and regulations (Personal Law) and is committed to enforcing the rights and personal problems of all our Shopee Program Consumers in a way together we say the Programs and services we present as well as those presented on our Web as "Services").

"Individual Information" means information, whether true or not, about an identifiable person from that information, or from other information and data that can or may be accessible to an agency. The usual illustration of individual information can include nicknames, no introductions and contact data.

By using the Services, entering an account with us, visiting our Program, or accessing the Services, you acknowledge and agree that you welcome the applications, terms, and or or discretions set forth in this Privacy Policy, and you hereby allow us to calculate, use, say and or cook your individual information as described herein. If You Do NOT Allow The Processing of Your Individual Information As Described IN THIS Personal Discretion, Please Do Not Use Our SERVICES Or ACCESS Our Programs. If we change our Personal Wisdom, we will post that change or the replaced Personal Wisdom on our Program. We have the power to change this Personal Wisdom every time.

Like the majority of web websites and mobile applications, your feature sends data that can include information about your things that can be recorded by the website server if you use our program. These are generally listed without limitation, the purpose of your Internet Protocol (IP) feature, pc surgical system or mobile feature, as well as browser type, mobile feature type, mobile feature character, unique device identifier (UDID) or mobile equipment identifier (MEID) for your mobile feature, the purpose of the proposed web (if any), the page you go to on our website web as well as the mobile application and the duration of your visit, and sometimes cookies (which can be disabled using your browser preferences) to help the web remember your last visit. When you log in, this data is associated with your individual account. The data is also included in anonymous statistics to allow us to master the methods of travelers using our web.

We practice the various stages of safeguarding and work to justify the security of your individual information in our systems. Individual consumer information is located behind a convenient network and can only be accessed by a small number of employees who have special access rights to the system. However, no collateral or absolute security is inevitable.

### **3.3 Juridical Analysis of The Case of PT. SHOPEE Indonesia Which Experiences A Leak of User Personal Data With Legal Liability To Consumers Who Experience Personal Data Leakage on Virtual Wallet Payment Services**

The growth of trade activities in Indonesia at this time is not freely related to the growth of internet platform technology. The rapid development of internet consumers is a reality that makes the internet an efficient tool for industry or individuals to offer objects and services to customers. This atmosphere was then used by the actors to improve the technology of the mobile application to offer the objects and services it produces. Currently, not only direct effort actors who carry out applications to offer objects and services, but most applications are operated by parties who are not directly facilitators of objects or services.

Shopee's arrival distributed waivers to a large number of urban residents by referring to the use of smart phones which at this time has become part of the lifestyle of several large residents. Moreover, residents who live in big cities who have a dependence on technology that can share duration capabilities and practical results are suitable for the desire to make Shopee's arrival very experienced its efficacy. However, it cannot be denied that the matter is vulnerable to misuse because in an indirect way, individual customer information registered and submitted to the service facilitator can have the effect of leaking information that can be misused by irresponsible parties.

In Article 2 of Law Number. 8 The 1999 on Customer Protection, (UUPK) states that customer protection is based on efficacy, equity, balancing, customer security and security, and legal clarity. Article 3 of the UUPK also added a description of the purpose of customer protection is to increase understanding, ability and independence in protecting themselves, stay away from access minus consumption of objects and or or services, increase customer empowerment in sorting, ensuring, and demanding their rights as customers, producing a customer protection system that has legal clarity factors as well as data continuity and access to obtain data, increase the understanding of effort actors or executors, which means customer protection as a result of creating honest and responsible actions, improving the quality of objects and or or services that ensure the comfort, safety and safety of customers.

There is also a regulation of individual information in The Law of Numbers. 23 Year 2006 concerning Population Administration. Article 2 guarantees the right of each community to get protection for personal information, legal clarity on the ownership of deeds, and data on information on the results of community registration and public records of themselves and their families. In Article 42 Paragraph (1) of Law Number. 36 Of 1999 concerning Telecommunications regulates that the executor of telecommunications services must be made to protect the data sent and or or obtained by telecommunications service clients through the network and or or telecommunications services it organizes.

Article 3 of the Ministry of Communication and Informatics 20 or 2016 regulates the protection of individual information in the following ways: 98 (a) acquisition and collection, (b) work and analysis, (c) storage, (d) performance, notification, delivery, dissemination, and or or early access, and (e) destruction. The article when related to the problem of leakage of individual information of Shopee customers brings an address if Shopee runs aground in carrying out protection to individual customer information in the storage step.

After the Author describes all types of laws and regulations that have been regulated in relation to Individual Information, then the Author wants to describe the Legal Concept of Individual Information Protection which organizes in a more accurate way linked to Individual Information. In Article 10, the Legal Concept of Individual Information

Protection is explained that: "The Individual Information Owner has the power to object to the act of collecting provisions that are only based on processing by means of automatic profiling of a person's profile (profiling)".

To analyze this problem, research uses the Philosophy of Legal Protection. Adhering to this problem, PT. Shopee Indonesia as the holder of the customer database is responsible for protecting customer information from third parties that are not listed in the form of PT. Shopee Indonesia in order to be able to share legal protection with customers properly. As well as as someone in the country or as a customer, it is appropriate to get protection for the information of individuals belonging to him in the services owned by the Electronic System Executor.

In accordance with the laws and regulations that have been presented above, it is good that has been regulated or that is in the Legal Concept linked to Individual Information, until for the Author it is real that PT. Shopee Indonesia is good as the Executor of the Electronic System or as the Executor of the Efforts in this matter has forgotten to protect the confidentiality of the client's individual information as a result of causing the customer's individual information to be leaked to irresponsible parties and causing losses on the part of the victim. Unfortunately, data technology at this time can be a 2-eye fencing. Because data technology can share participation for the increase in safety, development, and civilization of people. However, data technology can also be a tool for using unlawful actions. And the matter can also be intertwined in the virtual wallet payment service zone. Data technology can be used for unlawful actions such as robbery of individual information of consumers of the virtual wallet payment service, this can be observed from the many problems of leakage of individual consumer information such as one of the illustrations that are intertwined with Shopee customers.

Customers who feel burdened by the impact of the incident of leakage of their personal information can produce Article 15 Paragraphs (1) and (2) as a legal basis to claim the responsibility of the Executor of the Electronic System, which in this matter is a PT. Shopee Indonesia. However, Article 15 Paragraphs (1) and (2) can be used as a law as long as Shopee cannot convince the existence of fortifying conditions and errors or errors lies on the side of consumers or customers.

With the formation of leakage of individual customer information tried by foreign parties in an unlawful way, it seems to be a loss in customers, not only that the soft features used by Shopee need to be questioned whether they have matched the legal determination and the standards that have been established are linked to soft features that must be applied by PSE to be able to eliminate the doubts of those customers. Until for the author, it is appropriate to quickly try to think about the soft features used by Shopee. And if the results of thinking about Shopee's soft features create the reality that the soft features do not match the legal determinations and standards needed in protecting individual information, the result is that it has an impact on leaking individual customer information so that Shopee can be held accountable for the loss of customers that arise.

The leakage of individual information of Shopee customers brings an address that Shopee does not carry out the principle of protecting individual information from unauthorized access and disclosure because the individual information of Shopee customers has been successfully hacked by hackers which means that individual information can be accessed by hackers and the information of individuals who have been successfully leaked is misused by irresponsible parties whose conclusions cause losses for customers. Furthermore, Article 14 Paragraph (5) of PP 71 or 2019 states the role of the PSE to inform if there is a defeat in the effort to protect individual information regulated

by the PSE, the section also explains that the data must be submitted in a recorded form to the information owner.

The action of notification in the event of a defeat in the protection of individual information is further regulated in Article 28 of the Law of the Ministry of Communication and Informatics 20 of 2016. Article 28 states that the PSE must inform the loss in the protection of individual information to the owner of individual information in recorded form, with the determination of notification as follows: (a) it must be accompanied by an alibi or trigger for the establishment of the loss of the protection of the confidentiality of individual information, (b) it can be tried by electronic means if the owner of the individual information has shared the consent for which it is claimed at the time of the acquisition and collection of his/her personal information, (c) must be determined to have been obtained by the individual's information owner if the loss has the ability to cause loss to the relevant person, and (d) a recorded notice is sent to the individual's information owner very little 14 days from the time of the discovery of the loss.

The unlawful action was linked to PT. Shopee Indonesia can be held accountable for sharing injury changes. The role of changing the injury can take the form of a regular injury change. It is the payment, injury, interest regulated in Article 1243- 1252 of the Civil Code and special anti-injury in Article 1365- 1380 of the Civil Code. Changes in injuries can take the form of flowers related to psychological weight points as well as loss in an era that is about to arrive. A change in injury related to a psychological weight point is a change in the injury that usually gives some money to the victim of the Unlawful Act who is facing a loss in the form of a psychological weight point. Examples of psychological weight points due to unlawful actions are pain, shame, mental weight point, stress, good nicknames, worry that is missed, and others. Change the injury for the loss that is about to arrive and can be reflected in a clear and natural way to be intertwined.

Shopee applies like the Individual Information Brain in this matter is obliged to inform customers that they are defeated in the protection of individual information. But until when customers already know that they have become victims of individual information leaks, customers have not yet obtained data from Shopee. Moreover, when customers try to meet Shopee to confirm the problem, customers do not also get any data from Shopee and do not get clarity on the problem that is again about the customer. At that time Shopee only immediately froze the Customer's Shopee account without meeting or confirming the customer's problems that were again established.

For researchers' opinions, in the Terms and Determinations on the Shopee web, it is not stated in a detailed way in a form of liability that Shopee wants to submit if there is something lost felt by customers who are granted by Shopee. This matter means to be observed because in the provisions and determination of the Shopee web is not binding on the Pelakon Efforts to perform their obligations as they should be tried. And it doesn't share protections in a detailed way on customers with individual information contained in that service. Shopee should make the provisions and determinations based on the determination of laws and regulations in Indonesia that regulate individual information, so that the circumstances that are the rights and roles of customers or Business Actors can be granted properly.

#### **IV. Conclusion**

Sourced in the description above, PT. Shopee Indonesia as the holder of the customer database is responsible for protecting customer information from third parties that are not listed in the form of PT. Shopee Indonesia in order to be able to share legal protection with

customers properly. As someone in the country or as a customer, it is appropriate to obtain protection for the information of individuals belonging to him in the services owned by the Electronic System Executor. And in accordance with the laws and regulations that have been presented above, both those that have been regulated or that are in the Legal Concept of being linked to Individual Information, it is real that PT. Shopee Indonesia is good as the Executor of the Electronic System or as the Executor of the Efforts in this matter has forgotten to protect the confidentiality of the client's individual information as a result of causing the customer's individual information to be leaked to irresponsible parties and causing losses on the part of the victim.

Pt. Shopee Indonesia acts as the actors of efforts, individual information brains, and executors of electronic systems have been duly responsible for the negligence that has been carried out that causes the leakage of individual information belonging to its clients. In this regard PT. Shopee Indonesia has a legal responsibility to be responsible for something it has done and must be ready to welcome the rewards handed over. In the Terms and Determinations on the Shopee web, it is not stated in a detailed way in a form of liability that shopee wants to submit if there is something loss felt by the customer who is shed by Shopee.

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