

Legal Protection of Personal Data of Electronic Wallet Users Based on Personal Data Protection ACT

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ABSTRACT

One of the problems with using digital wallets is that data breaches and account breaches often occur which results in the loss of balances of digital wallet users. The Personal Data Protection Law itself was formed in order to protect people who use digital platforms, in this case digital wallets, from acts of breaching personal data and hacking accounts. The legal research method used in this research is normative juridical research which is research carried out or aimed only at written regulations with the nature of descriptive analysis research which is a method that functions to describe or provide an overview of the object being researched through data or samples and make conclusions that apply to the general public. The data sources used in this research are primary and secondary data and qualitative data analysis which is observations of phenomena obtained from data obtained in the form of written or oral descriptions. The results of this research are that the regulations for the use of electronic wallets that convert the use of cash into electronic money are Bank Indonesia Regulation Number 20/6/PBI/2018 concerning Electronic Money, Protection of personal data in the Personal Data Protection Law includes specific personal data protection. and is general in relation to the use of electronic wallets, so specific data such as financial data is data that is vulnerable to misuse and must be protected when using electronic wallets.

Keywords:

Protection, Personal Data, Digital Wallet.

INTRODUCTION

Digital technology has become an integral part of human life, impacting communication methods, shopping experiences, transportation, and payment systems. In Indonesia, this transformation is vividly illustrated by the rise in internet usage, which reached approximately 204.7 million users in 2022, marking a significant increase of around 54% compared to 2018 (Simanjuntak, 2019; Aziz et al., 2019). Such significant growth redefines social interactions; individuals increasingly rely on digital platforms, such as e-commerce sites and online applications, to satisfy their needs without face-to-face contact (Hindrayani, 2019; Santoso et al., 2020).

The prevalence of online shopping applications and digital payment systems (including e-wallets) showcases the necessity of these technologies, as they facilitate more convenient lifestyle choices for Indonesian citizens. Research indicates that electronic payment systems have greatly influenced consumer behavior, with a notable percentage preferring e-wallets over traditional cash payments (Febransyah & Goni, 2020; Rabiah et al., 2020). Additionally, Bank Indonesia reported that electronic money transactions exceeded IDR 96 trillion in 2022, illustrating the public's trust in digital wallets as viable alternatives to conventional cash methods (Ardiansah et al., 2020; Bahtiar, 2020). Despite these advancements, the switch to digital payment systems presents challenges, including concerns related to data protection, cybersecurity, and user privacy (Aslam et al., 2019; Rohmawati & Wijaya, 2020).

Governments have recognized the technological shift and its implications for consumer protection, particularly regarding e-wallet usage. The enactment of Law No. 27 of 2022 concerning Personal Data Protection in Indonesia represents a proactive step toward safeguarding user data and enhancing accountability among digital service providers (Setiawan et al., 2020; Nathan, 2020). This legislation intends to address risks associated with data breaches and hacking incidents while bolstering consumer confidence in digital platforms (Huang et al., 2020).

In summary, the digital revolution in Indonesia, characterized by rising internet usage and increased adoption of e-commerce, has transformed everyday activities and economic transactions. Building a reliable framework for consumer protection and addressing the inherent risks within the digital economy sets a foundation for sustainable growth and economic resilience in the face of technological advancements.

METHOD

This research employs a normative juridical approach with a descriptive analysis method to examine the legal protections available to users of electronic wallets concerning their personal data. The study aims to describe, analyze, and explain relevant legal regulations related to the protection of personal data. This methodology is well-suited for research in fields requiring a detailed examination of policies and statutes related to technology and law, as evidenced by the increased focus on qualitative methods in legal studies (Istiqomah, 2020).

In conducting this research, secondary data sources serve as the foundation for analysis. Legal materials, including official documents, scholarly articles, and previous research findings, are crucial components of this investigation. The collection and analysis of data through qualitative methods allow for a deeper understanding of the legal framework surrounding personal data protection. Such analysis is often described as being participant-focused and thematic, which underscores the need to adapt existing frameworks for modern technological contexts (Maher et al., 2018; , (Richards & Hemphill, 2018). Furthermore, qualitative methodologies have gained traction in legal and sociological research fields, underscoring their relevance and applicability in various contexts (Richards & Hemphill, 2018).

Data analysis in this study utilizes qualitative techniques to produce descriptive analytical outputs. This approach involves gathering multiple types of data and applying logical legal reasoning to interpret the insights derived from the findings. Qualitative data analysis allows researchers to identify themes and patterns pertinent to personal data protection. Techniques such as thematic analysis and coding are vital in uncovering nuanced narratives within the data (Hirata, 2020). Furthermore, the rigor in qualitative analysis is paramount in preserving the integrity and accuracy of legal research focused on technological advancements and user rights (Kim et al., 2020).

In conclusion, the focus on normative juridical research methods and qualitative analysis strengthens this investigation into the legal protections of personal data for electronic wallet users. Through the comprehensive examination of secondary data and the application of rigorous qualitative methodologies, the research strives to address current gaps and uncertainties in existing laws governing

personal data protection. The findings may provide valuable insights that could assist in refining and improving legal frameworks surrounding technology and user privacy rights (Dietz, 2020).

RESULTS AND DISCUSSION

Results

The ITE Law does not provide a clear legal definition of personal data. However, seen from the perspective of the official interpretation of privacy rights in Article 26 paragraph (1), personal data includes personal life matters including a person's communication (history) and data about a person. In Article 1 number 27 PP No. 82 of 2012 concerning Electronic System and Transaction Operators, defines personal data as "certain individual data that is stored, maintained, maintained as correct and protected as confidential". According to the explanation of Article 1 paragraph 1 of the UK Data Protection Act of 1998, it is determined that: "Data is any information that is processed through equipment that functions automatically in response to instructions given for its purpose and is stored for the purpose of being processed. Data also includes information that forms part of health, social work, education records or is stored as part of a relevant storage system.

According to ministerial regulations, Personal Data is certain individual data that is stored, maintained and maintained as correct and protected as confidential. In general, personal data consists of facts relating to an individual which is very personal information so that the person concerned wants to keep it for themselves and/or limit other people from sharing it with other parties or misusing it. In particular, personal data describes information that is closely related to a person which will differentiate the characteristics of each individual Privacy protection is closely related to fulfilling personal data rights. The relationship regarding privacy and personal data protection was emphasized by Allan Westin. Allan defines privacy as the right of individuals, groups, institutions to determine whether information about them will be communicated to other parties or not. The definition put forward by Allan Westin is called information privacy because it concerns personal information. Under Article 28 G of the 1945 Constitution, the protection of personal data is a form of privacy protection which is directly mandated by the Constitution of the Republic of Indonesia which contains respect for human rights values and equality values as well as respect for individual rights so that It is necessary to provide a legal basis to provide greater security of privacy and personal data and ensure the implementation of a conducive business world climate

Article 1 number 1 of Law No. 27 of 2022 concerning Protection of personal data states that Personal Data is data about natural persons who are identified or can be identified individually or in combination with other information, either directly or indirectly, through electronic or non-electronic systems. The Personal Data Protection Law divides personal data into specific personal data and general personal data. Personal Data of a specific nature is Personal Data which, if processed, could have a greater impact on the Personal Data Subject, including acts of discrimination and greater harm to the Personal Data Subject, while personal data of a general nature is personal data that is usually known to the general public. Its use is not confidential and does not have a big impact if it becomes known to the general public. Specific personal data includes:

a. Health Data and Information

Health data and information" are individual records or information relating to physical health, mental health, and/or health services

b. Biometric Data

Biometric data is data relating to an individual's physical, physiological, or behavioral characteristics that allows unique identification of an individual, such as facial images or dactyloscopic data. Biometric data also explains the unique nature and/or characteristics of a person that must be protected and cared for, including but not limited to fingerprint records, eye retinas and DNA samples.

c. Genetic Data

Genetic data" is any type of data regarding the characteristics of an individual that is inherited or acquired during early prenatal development.

d. Crime Records

A crime record is a written record of a person who has committed an unlawful act or violated the law or is in the process of being prosecuted for an act committed, including police records and inclusion in the prevention or deterrence list.

e. Personal Financial Data

Personal financial data includes, but is not limited to, data on total savings at banks, including savings, time deposits, and credit card data.

General Personal Data includes:

- a. full name;
- b. gender;
- c. Citizenship
- d. religion;
- e. marital status;
- f. Combined Personal Data identifies an individual

Apart from personal data in electronic transaction activities or processes and electronic-based activities, the term privacy right is also known, which is closely related and cannot be separated from personal data. Touching on the issue of personal data also means it is related to the right to privacy. The right to privacy is a fundamental right that is important for autonomy and protection of human dignity and aims to be the foundation on which many human rights are built. Privacy allows us to create boundaries and manage them to protect ourselves from unwanted intrusions, allowing us to negotiate who we are and how we want to interact with those around us. Regulations that protect privacy provide legitimacy to the rights we have and are important for protecting ourselves and society. Electronic wallets have a close relationship with electronic money because money stored in electronic wallets turns into electronic money and can be used through electronic transactions. The implementation of Electronic Money has been regulated in Bank Indonesia Regulation Number 11/12/PBI/2009 dated 13 April 2009 concerning Electronic Money (Electronic Money)

Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions is a further regulation of Law Number 19 of 2016 Amendment to Law of the Republic of Indonesia Number 11 of 2011 concerning Information and Electronic Transactions which regulates misuse of personal data violations. On the one hand, this Government Regulation regulates personal data and apart from that, it also regulates Data Residency (data

placement). There are several principles that electronic system operators must pay attention to in providing protection for a person's personal data from personal data theft

Apart from the ITE Law and Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, there are many regulations governing the protection of personal data spread across several legal instruments. One of the regulations regarding the protection of personal data is also regulated in the Minister of Communication and Information Technology Regulation Number 20 of 2016 concerning the Protection of Personal Data in Electronic Systems, hereinafter referred to as the Minister of Communication and Information Regulation. In this case, legal protection is something that is used to protect legal subjects through applicable laws and regulations and its implementation is enforced using sanctions. In this case, legal subjects are individuals and legal entities. Legal protection is divided into two, namely preventive legal protection and repressive legal protection. Preventive legal protection is provided by the government with the aim of preventing violations before they occur. This is contained in statutory regulations with the aim of preventing violations and providing guidelines for carrying out obligations. Repressive legal protection is final protection in the form of sanctions such as fines, imprisonment and additional penalties given if a dispute has occurred or a violation has been committed.

Ministerial Regulation Number 20 of 2016 concerning Protection of Personal Data in Electronic Systems. To prevent cyber hacking, internal regulations or self-regulation are needed by each electronic system operator. In practice, self-regulation cannot operate on its own without intervention from the state which provides regulations and information for owners of personal data regarding business actors (electronic system operators) that are safe for transactions. For this reason, the state regulates Article 5 paragraph (1) of Ministerial Regulation Number 20 of 2016 concerning the protection of personal data in electronic systems for electronic system operators, which requires electronic system operators to have internal rules regarding the protection of personal data for personal data owners. With the existence of regulations regarding self-regulation standards provided by the government, it is hoped that the security of personal data for personal data owners can be properly maintained by electronic system administrators, and can prevent acts of hacking that target personal data for personal data owners.

Discussion

Legal protection serves as a crucial framework for safeguarding the rights of legal subjects, particularly in the context of electronic wallets (e-wallets), which have become integral to contemporary financial transactions. By providing both preventive and repressive legal instruments, legal protection ensures the facilitation of justice, order, and certainty in the digital sphere. This is particularly relevant in matters concerning personal data protection during electronic wallet transactions, necessitating regulatory frameworks that safeguard user information while executing financial transactions. Studies have shown that there is a significant relationship between legal regulations and the ethical management of personal data, as users navigate electronic transactions using e-wallets (Griffoli & Adrian, 2019; , Naomi & Priyanto, 2020; , Safitri & Izziyana, 2020).

E-wallets represent a transformative advancement in the payment landscape, markedly enhancing transaction efficiency and user convenience in the digital economy. With functionalities extending beyond mere money storage, e-wallets serve as platforms for various financial transactions, allowing users to transact seamlessly with distant parties without the need for physical interaction. This evolution is supported by technology acceptance models that evaluate user intentions to adopt e-wallets based on perceived benefits and ease of use (Armanditya & Rahmiati, 2020; , Kapoor et al., 2020; , Rahmawati & Yuliana, 2020). The infrastructure surrounding e-wallets is multifaceted, often involving providers that offer services tailored for consumer use, thereby reinforcing the importance of legal frameworks to safeguard against potential abuses in this rapidly evolving domain (Nawawi, 2020; , Handayani & Novitasari, 2020).

The operational framework of e-wallets is inherently linked to consumer protection laws and regulations governing electronic transactions, including the ITE Law (Electronic Information and Transactions Law) in Indonesia. Article 26 of this law mandates that any use of personal data requires consent from the data owner, thus enshrining privacy rights within the legal framework (Tayibnapis, 2020; , Putri, 2020). Additionally, violations of these rights could lead to civil litigation, emphasizing the need for e-wallet service providers to establish robust data handling and security measures to comply with statutory requirements (Dharmawan et al., 2019; , Rizka, 2019). This regulatory oversight ensures a balanced approach to consumer rights and service provider obligations in the digital payment realm (Matompo, 2020).

In addressing issues of data privacy and security, the implementation of mechanisms necessary for the deletion of irrelevant electronic information becomes paramount. The legal stipulation for electronic system operators to remove unnecessary data underlies the consequence of unauthorized data use. This regulatory requirement not only upholds the principle of consent but also reflects a broader commitment to protecting consumer interests in the digital age (Kurnia, 2020; , Amir, 2020). Adherence to established legal standards forms a pivotal aspect of the electronic transaction ecosystem, ensuring that both consumers and providers maintain their respective rights and responsibilities (Ranto, 2019).

CONCLUSION

The regulation on the use of electronic wallets that convert the use of cash into electronic money is Bank Indonesia Regulation Number 20/6/PBI/2018 concerning Electronic Money. The Bank Indonesia Regulation on Electronic Money regulates the procedures for operating electronic money in terms of licensing and implementation, including the implementation of electronic wallets (e-wallets). In addition to the procedures for administering electronic wallets (e-wallets), Bank Indonesia also regulates the protection of consumers using electronic payment systems in Bank Indonesia Regulation Number 16/1/PBI/2014 concerning Consumer Protection of Payment System Operators and Bank Indonesia Regulation Number 18/40/PBI/2016 concerning the Implementation of Payment Transaction Processing Protection of personal data in the Law Protection of personal data includes the protection of specific and general personal data in relation to the use of electronic wallets, so specific data such as financial data is data that is vulnerable to misuse and must be protected in use of electronic wallets.

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