
JURIDICAL REVIEW OF PERSONAL DATA PROTECTION IN MONEY TRANSACTIONS FUND**APPLICATION**Bagas Mulya Putra¹, Diana Setiawati²¹ Muhammadiyah University of Surakarta (C100190293@student.ums.ac.id)² Muhammadiyah University of Surakarta (ds170@ums.ac.id)

ABSTRACT

This research discusses the Protection of Personal Data of DANA Digital Wallet Users. DANA is one of the benefits of technological developments. There are negative effects of technological developments, one of which is data leakage. Moreover, DANA is a financial transaction application. Although the development of information technology and the digital economy is very rapid, research related to law and technology in general and the protection of privacy rights has not been too much. Currently, Indonesia has regulations related to personal data protection. The purpose of this study is to determine the protection of personal data of DANA digital wallet users and the responsibility for personal data. The research method used in this study is Normative research, the data used is secondary data. Data obtained through literature studies are then processed through qualitative descriptive analysis. The results of this study show that there are some DANA digital wallet users who do not read the terms and conditions that apply in using DANA. Indonesia has protected personal data through Law Number 27 of 2022 concerning Personal Data Protection. The regulation also describes the efforts made when personal data is misused.

Keywords: Warranties, Protection, Personal Data

INTRODUCTION

Along with the presence of digital devices that are inseparable from everyday life, the development of digital technology has also had a broad impact, including on the financial sector. The vision and goals of the Indonesian nation as stated in Pancasila and the 1945 Constitution are realized through comprehensive and balanced development in various aspects of life, with the aim of improving the quality of life and standard of living of the Indonesian people as a whole. One real example of this development is the adoption of internet technology in everyday life. Advances in internet technology throughout the world are one of the important elements that participate in improving data processing. This phenomenon makes it easier to exchange information between individuals on a wider scale. However, this also raises security issues related to unauthorized use of personal data. Therefore, it is necessary to carry out fair supervision of data processing activities between internet users and the companies that carry them out (Jacqueline Klosek, 2000).

Digital developments in Indonesia have changed the financial landscape and resulted in changes to the current payment system. Technological advances have shifted electronic payment mechanisms, allowing transactions to be carried out via smartphone by downloading a special application. Previously, payments for goods or services transactions were generally made via websites or using credit cards. One example of an available payment platform is DANA, which can be downloaded via the Play Store and Apple Store application stores.

DANA is an application with an abbreviation for Indonesia Digital and is one of the applications for the development of new businesses registered with the OJK. DANA officially operated on December 5 2018. DANA initiated the creation of its application with the aim of addressing the problems of the general public in making transactions feel safe and exchanges profitable (I Putri, 2021).

The development of technology and information can be interpreted as a double-edged sword. This is because the positive effects also have some negative effects too. One of the benefits that can be felt is the ease of making transactions or transferring funds using a smartphone because it only requires an internet connection. Apart from the positive benefits, there are also negative benefits, namely regarding personal data. This can be seen in the terms and conditions for DANA application users that DANA is a non-bank financial institution that has obtained a license as an electronic money issuer (stored value facility). One of the negative impacts of technological developments is the increasing number of personal data leaks. In its application services, DANA requires personal data from its users (www.dana.id/policy, accessed on March 29 2023). The main controversy is that when registering to become a DANA user, you upload your KTP and take a photo with the prospective user's KTP. The main problem is that when transactions like this are faced with issues of privacy and consumer data protection. In carrying out its company operations, DANA of course collaborates with third parties who will also become collectors, processors and processors of personal data which is massively handed over to third parties. DANA also clearly stated this to improve services (www.dana.id/policy, accessed on 29 March 2023).

Of course, this is very risky because the DANA application is related to financial transactions if there is a lot of personal data leakage. Specifically, currently the OJK has not regulated the protection of personal data for e-wallet applications, especially DANA, which is a non-bank financial institution. This does not guarantee the security of personal data because DANA also collaborates with third parties to improve its services. Indonesia guarantees the right to privacy in Article 29 paragraph (1) and Article 30 of Law Number 39 of 1999 concerning Human Rights.

One optimal approach to protect legal entities from possible abuse is through the use of legal protection. Legal protection covers all aspects within the applicable legal framework. Information is a very valuable resource. In an economic context, and in recent times, information has become a very important commodity. Information is required in every transaction (for example, every purchase in the market) and requires significant costs (both in the form of search costs and time). In fact, information has become one of the key elements in economic theory and is a major research area in economics.

Researchers are a generation that carries out many daily activities using information technology and the digital economy. Of course, you really care about your personal data which is at risk of being misused through the information system. This is of course related to the protection of citizens' rights. Currently, advances in information technology and the digital economy are taking place rapidly, but research related to law and technology in general, as well as privacy protection, is still limited. Therefore, researchers are interested in conducting more in-depth research on personal data protection in the DANA financial application. The formulation of this research problem includes the following question: What forms of legal protection can be implemented to maintain the security of users' personal data in the DANA e-wallet application? Apart from that, what legal responsibility does DANA have to bear if DANA e-wallet application users experience losses?

RESEARCH METHODS

Research conducted uses a normative or doctrinal approach. Normative legal research involves analysis of library materials and secondary legal sources, including primary legal materials consisting of laws and regulations that directly regulate the research topic, while secondary legal materials include literature that discusses and examines issues related to personal data protection. This secondary legal material takes the form of books and in-depth literature on the topic being researched.

The approach applied in this research is the statute approach or statutory regulation approach. The data used in this writing is a secondary data source consisting of library materials, including official documents, library books, statutory regulations, scientific works, articles and other related documents that are relevant to the research topic. The data collection method used is literature study, which involves searching and analyzing various library sources such as literature, research results, scientific magazines,

scientific bulletins, and so on. In analyzing the data obtained, the normative analysis method is used, where the research material will be interpreted and discussed based on an understanding of law, legal norms, legal theories and doctrines related to the core of the problem being studied.

RESULTS AND DISCUSSION

A. Form of Legal Guarantee for Personal Data Protection to Protect Users of the DANA E-Wallet Application

DANA application users are required to declare that the personal data they provide through the application is accurate and valid. Apart from that, users also give permission to DANA to collect, process, evaluate, utilize, store, show, disclose, send, distribute, eliminate and delete data in accordance with the privacy policy and applicable regulations. By using the DANA application, users are deemed to have read, understood and agreed to all the terms contained in the privacy policy which is DANA's T&C.

In their policy, DANA has regulated user privacy rights which include personal data such as personal identity (name, address, place of birth, date of birth, occupation), contact information (telephone number, fax number), financial data (bank account information, card information credit or debit), official identification (KTP, driver's license, passport), as well as photo, citizenship, and biometric information (such as facial recognition). DANA's policy also covers DANA user and non-user information contained in the user's telephone contact list, as well as other information that can be used to identify users either directly or indirectly.

Before obtaining personal data and/or information from users, digital wallet application organizers are required to provide users with information regarding personal data protection. This is regulated in Article 29 of Government Regulation Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions. This article mandates that electronic system administrators must provide electronic information system users with an understanding regarding privacy security and personal data protection, which is an important aspect.

Personal data collected by DANA is used for transaction processing. processing party, analyze, and/or use the personal data obtained. DANA users are sometimes rarely aware of this, one of which is due to delays in receiving information on the use of personal data so that DANA uses personal data first before receiving approval from DANA users. This of course does not apply the law in force in Indonesia as regulated in Article 79 verse 1, 2 and 3 of Republic of Indonesia Law Number 24 2013 as amended by the Law RI Number 23 of 2006 concerning Administration Population data that individual data and population documents must be stored by the state and only the Minister has the right to provide access to population data.

In an effort to develop, improve, protect and maintain the DANA application and other services, DANA sometimes needs to display, publish, send or distribute personal data to third parties. As can be seen from the policies and privacy policies implemented by DANA in its collaboration with third parties, sometimes DANA users do not have information about third parties collaborating with DANA. Moreover, DANA has affiliated relationships with third parties, which of course has benefits for DANA, but DANA users do not know the benefits they get. Moreover, DANA users cannot prevent providing personal data to DANA third parties. DANA application user data should be kept confidential. This is as regulated in article 79 paragraphs 1, 2 and paragraph 3 of Law Number 24 of 2013 concerning amendments to Law Number 23 2006 concerning Administration Population data and documents must be kept confidential and protected by the state and who has the right to disclose only Minister.

In Law Number 8 of 1999 concerning Consumer Protection, there is no specific explanation regarding the protection of personal data. However, in Chapter V which relates to provisions regarding standard clauses in the Law, it is explained that standard clauses are agreements made by business actors unilaterally. Article 18 Paragraph 1 letter g prohibits business actors from including standard

clauses that bind consumers to new, additional, extension and/or changes made unilaterally by business actors. This can be seen in DANA's privacy and policy that if you do not provide personal data you will not be able to use the services or features provided by DANA, however, on the other hand, DANA makes no guarantee regarding the use of personal data.

E-wallet users now get good news with the passing of Law Number 27 of 2022 concerning Personal Data Protection. According to the law, personal data is defined as information about individuals who can be identified directly or indirectly through electronic systems, either alone or in combination with other information. Based on this, of course e-wallet users are protected because when registering an e-wallet account, especially DANA, will provide their personal data through an electronic system.

There is some personal data that e-wallet users, especially DANA, must provide to DANA. As explained previously, personal data for registering a DANA account includes name, address, place of birth, date of birth, nationality and even credit card number. Specifically in Law Number 27 years 2022 concerning Personal Data Protection, this includes personal data. Law Number 27 of 2022 concerning Personal Data Protection also regulates that financial data, including specific personal data, then full name, gender, nationality, religion, marital status are general personal data.

Law Number 27 of 2022 concerning Personal Data Protection has regulated parties who are obliged to protect personal data consisting of every person, public bodies and international organizations. DANA is also obliged to protect personal data. If this is denied, you will be sentenced to 6 years and/or a fine of around IDR 60,000,000,000.-.

B. Form of Legal Responsibility of DANA for Losses Experienced by Users of the DANA E-Wallet Application

All producers have an important obligation to be responsible for the products they produce. The main aim of product liability is to provide protection and guarantees to consumers, as well as minimizing fair risks for consumers and business actors in accordance with their role in the economy (Atsar and Rani, 2019). Therefore, DANA should have prepared all possibilities related to consumer protection, especially in terms of consumer personal data. The obligation to compensate for losses resulting from the use of goods and services is an important aspect of consumer protection, as regulated in Law Number 8 of 1999 concerning Consumer Protection. Liability regarding losses both material and immaterial experienced by consumers is an integral part of consumer protection efforts.

DANA users are consumers of a company. As technology develops, so Problems related to customers as consumers are increasingly complex. Initially in Indonesia it was related to PERConsumer protection is regulated in Law Number 8 of 1999 concerning Consumer Protection. Bnk Indonesia based on its authority granted by The law is carrying out the task of regulating and maintain the smooth running of the payment system. Customers who use e-wallets must be protected so that their funds cannot be lost lost as a result of the organizer's negligence including leakage of personal data. There is a law Number 27 of 2022 concerning Personal Data Protection is one solution to the problem of personal data leakage.

Based on the authority granted by statutory regulations, Bank Indonesia has the responsibility to regulate and maintain the smooth running of the payment system. A payment system is a system that facilitates the transfer of money value between the parties involved. One of the currently popular payment methods is the use of digital wallets. Protection of customers who use payment system services, including the use of digital wallets, is a very important issue in the development of digital-based payment system businesses. Therefore, Bank Indonesia not only regulates the institutional aspects and mechanisms of payment systems, but also regulates consumer protection provisions and supervises the implementation of these rules. (Clevelda, 2021). DANA is one of the digital wallet service providers recognized by Bank Indonesia so DANA should protect consumers or DANA users as ordered by Bank Indonesia.

Wahyudi Djafar, who is the Executive Director of the Institute for Community Studies and Advocacy (ELSAM), stated that currently Indonesia is going through a transition period for Law Number

27 of 2022 concerning Protection Data Personality is a critical period in ensuring obedience controller and data processor for implement personal data protection standards. Including the authority's response to every incident that occurs.

One of the actions taken by the Financial Services Authority (OJK) is to issue POJK regulation Number 11/POJK.03/2022 which regulates the implementation of information technology by commercial banks (POJK TI) and OJK Circular Letter Number 21/SEOJK.03/2017 which regulates the implementation of risk management in the use of information technology by commercial banks. This applies to DANA, which was launched by PT. Espay Debit Indonesia Koe (EDIK) with an official license and permission from Bank Indonesia to provide electronic money services, electronic wallets, transfers and digital financial services.

Not only that, another Authority Circular was issued Service Finance Number 29/SEOJK.03/2022 concerning Resilience and Cybersecurity for Commercial banks. in the circular letter Number 3 concerning the Asset Protection Process that attempts to control comprehensive security (security control) in accordance with the results of identifying assets, threats and vulnerability as referred to in the figure 2. This has been done by DANA using the Face Verification feature. DANA has updated and obtained PCI-DSS (Payment Card Industry Data Security Standard) certification, an information security standard that applies to organizations that handle card issuing banks and branded card networks such as VISA, MasterCard, Discover, American Express, and JCB. ([kemenkominfo-aims-foreign-certificates-authority](#) accessed 20 May 2023).

In article 4 paragraph (2) of Law Number 27 of 2022 concerning Personal Data Protection, it is explained that personal financial data constitutes a piece of specific personal data. Therefore, of course this must be protected with efforts and at a higher level, including DANA which is an e-wallet. If a data leak occurs which is a failure to protect data, of course there will be special handling.

An effort to ensure rights in fulfilling data protection and responding to these efforts is for the organizer to provide notification to users regarding the data leak incident. the notification contains the personal data that was disclosed, when, where and how the data revealed. Not only that, the notification should also include the handling or efforts that have been made by the organizer to recover from the incident. As a community service, so far DANA has provided access through the DANA user call center if there is a data leak which is then followed up to the risk department.

Not only the organizers but government elements are also making efforts. This is done by the Authority Service Finance immediately evaluates mitigation efforts and ensures that BSI's updated disaster recovery plan is in accordance IT POJK. After that, the problem was audited and evaluated as a whole for mitigation and recovery plans for information technology systems and the banking industry. This is what the government will do later if there is a data leak from DANA.

Body Cyber and State Code (BSSN) immediately monitors and investigate security incidents cyber experienced to get identified sources of attacks security system vulnerabilities that could potentially lead to attacks, and follow-up actions that should be taken. In addition, BSSN must ensure regular security audits, including the implementation of relevant policies and procedures to maintain system security.

As is known, there are many cases of data leaks, so the government has made efforts to protect personal data in Indonesia. There are efforts that must be made by the organizers and users to also obtain their rights in accordance with the law Number 27 Years 2022 on Protection Data Personal. Apart from that, the guarantee is a consumer protection, if there is a loss experienced then compensation can be made.

CONCLUSION

Before the enactment of personal data protection regulations, Indonesia already had several regulations related to personal data. In its policy, DANA has regulated user privacy rights which include

information such as name, address, place of birth, date of birth and occupation, in accordance with Law of the Republic of Indonesia Number 24 of 2013 as a result of amendments to Law Number 23 of 2006 about Population Administration. DANA application users are deemed to have read, understood and agreed to all the provisions stated in the policy which is an integral part of DANA's terms and conditions. For those who do not use DANA, data related to DANA users' mobile phone contact lists, biometric information (such as facial recognition), and other data may be used to identify users either directly or indirectly, either separately or in combination with other information. Before obtaining personal data and/or information from users, DANA conveys information to users regarding the protection of personal data in accordance with Regulation Government Number 71 of 2019 concerning Implementation System and Transaction.

DANA is required to have a plan recovery in the event of a disaster to ensure continuity operational fixed bank walk. These efforts are made to ensure rights in fulfilling data protection efforts. The government executively, through Kominfo, monitors and investigates if attacks occur and resolves cases accountably. Along with Body Cyber and Sandi Negara (BSSN) immediately monitors and investigates cyber security incidents experienced to be able to identify the source of the attack, system vulnerabilities that security allows attacks to occur as well as necessary further steps done. Regarding personal data leaks, there are efforts that must be made by organizers and users to obtain their rights in accordance with the law Number 27 of 2022 concerning Protection Data Personal. Apart from that, the guarantee is a consumer protection, if there is a loss experienced then compensation can be made

REFERENCES

1. Apriani, A. A. (2019). *Buku Ajar Perlindungan Konsumen*. Yogyakarta: Deepublish.
2. Budhijanto, D. (2010). *Hukum Telekomunikasi, Penyiaran & Teknologi Informasi: Regulasi & Konvergensi*. Bandung: PT. Refika Aditama.
3. Clevalda, D. K. (2021). Perlindungan Hukum Terhadap Nasabah Dompert Digital Oleh Bank Indonesia. *Jurnal Private Law*, 3.
4. Dewi, S. (2009). *Cyberlaw 1: Perlindungan Privasi Atas Informasi Pribadi Dalam E-Commerce Menurut Hukum Internasional*. Bandung: Widya Padjadjaran.
5. Hadjon, P. M. (1987). *Perlindungan Bagi Rakyat di Indonesia*. Surabaya: PT Bina Ilmu.
6. I Putri Umiyati, T. &. (2021). Social Influences, Usability and Security On The Intensity of DANA e-Wallet Use. *JASS (Journal of Accounting for Sustainable Society)*, 3.
7. Kadir, A. (2004). *Hukum dan Penelitian Hukum*. Bandung: PT. Citra Aditya Bakti.
8. kang, J. (1998). Information Privacy in Cyberspace Transaction. *Standford Law Review*, 5.
9. Klosek, J. (2000). *Data Privacy in the Information Age*, Greenwood. Amerika Serikat: Publishing Amerika Serikat .
10. Mark F. Kightlinger, E. J. (n.d.). *Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data*. Retrieved from <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=108>.
11. Marzuki, P. M. (2008). *Penelitian Hukum*. Jakarta: Kencana.
12. Purwanto. (2007). *Data Protection, Law and Legislation Indonesia*. Jakarta: Badan Pembinaan Hukum Nasional Departemen Hukum dan HAM RI.
13. Rahardjo, S. (1989). *Ilmu Hukum*. Bandung: Citra Aditya Bakti.
14. Rosadi, S. D. (2015). *Cyber Law Aspek Data Privasi Menurut Hukum Internasional, Regional, dan Nasional*. Bandung: Refika Aditama.
15. S, D. (2017). Prinsip – Prinsip Perlindungan Data Pribadi Nasabah Kartu Kredit Menurut Ketentuan Nasional dan Implementasinya. *Sosiohumaniora*, 206-212.
16. Sieber, U. (2001). The Emergence of Information Law: Object and Characteristics of a New Legal Area”,

- Law, Information and Information Technology,. *Kluwer Law International*, 8.
17. Soerjono Soekanto, S. M. (2011). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada
 18. <https://www.portalinvestasi.com/dompet-digital-itu-apa-ini-uraiannya/> diakses pada Rabu, 13 April 2023 pukul 00.59
 19. <https://digitalbisa.id/artikel/manfaat-dompet-digital-bagi-milenial-dalam-mudahkan-transaksi-PtwiC> diakses pada Rabu 13 April 2023 01.04
 20. <https://financer.com/id/perusahaan/dana/> diakses pada Rabu, 13 April 2023 pukul 1.12
 21. <https://www.dana.id/help-center/akun-profil/apa-itu-akun-premium-dana> diakses pada Rabu, 13 April 2023 1.15
 22. <https://www.sakudigital.com/cara-mendapatkan-dana-points/> diakses pada Rabu, 13 April 2023 pukul 1.20
 23. <https://financer.com/id/perusahaan/dana/> diakses pada Rabu, 13 April 2023 pukul 1.30
 24. <https://www.dana.id/terms> diakses pada 13 April 2023