



Legal Protection Against Cyber Crime Threats for Business Economics 4.0

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ABSTRACT

Munculnya kejahatan siber (cybercrime) dilatarbelakangi oleh kemajuan teknologi yang tidak diimbangi dengan kemajuan sumber daya manusia serta kelalaian yang dilakukan oleh pengguna yang tergoda _ _ dengan iming-iming hadiah yang diberikan oleh pihak-pihak yang tidak bertanggung jawab atas nama pihak lain sebagai penguat bahwa Benar dan bukan penipuan , juga kebanyakan dari pengguna _ tergiur akan iming-iming hadir sehingga memberi ruang bagi orang untuk melakukan kejahatan cyber. Kajian deskriptif karakter ini dalam bentuk hukum perlindungan bagi pelaku ekonomi bisnis 4.0 terhadap ancaman kejahatan siber menurut Undang-Undang Nomor 11 Tahun 2008 tentang ITE. Adapun hasil kajiannya adalah bahwa asas perlindungan hukum bagi pelaku ekonomi bisnis 4.0 yaitu dengan adanya ketentuan dari Pasal 1320 KUH Perdata yang memuat : kondisi terjadinya kesepakatan , ancaman dan tantangan serta hambatan yang dihadapi pelaku ekonomi bisnis 4.0 yang Kesemuanya merupakan ancaman serius, dan bentuk perlindungan hukum bagi para pelaku upaya tersebut yaitu ketentuan hukum yang dapat digunakan untuk menyeret para pelaku kejahatan siber baru sebatas peraturan perundang-undangan Undang-undang Hukum Pidana (KUHP) dan Undang-Undang No. 11 tahun 2008 tentang ITE.

ABSTRACT

Appearance crime cyber (cybercrime) is motivated by progress technology that doesn't balanced by progress resource man as well as omissions made by tempted users _ _ with lure gifts given by parties who do not responsible on behalf of the other party as amplifier that that true and not fraud , as well most from users _ tempted will lure present the so that give room for people to To do crime cyber . Study this character descriptive in form protection law for perpetrator economy business 4.0 against threat cyber crime according to Law No. 11 of 2008 on ITE. As for results study this is that principle protection law for perpetrator economy business 4.0 that is with existance provision from Article 1320 of the Civil Code which contains : condition happening agreements , threats and challenges as well as the obstacles faced by the perpetrators economy business 4.0 which is all is serious threat , and form protection law for the perpetrators effort that is provision law that can used to drag the perpetrators of the cyber crime new limited to regulations statute book of law Law Criminal Code (KUHP) and Law no. 11 of 2008 concerning ITE.

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I. INTRODUCTION

The development of computer technology, telecommunications and information technology in the era of globalization is not a fictitious thing but has become a reality that is manifested in various forms. Dissemination of information that has crossed regional boundaries and time differences no longer separates people. With this advancement and development of multimedia telecommunications, the scope and speed of cross-border communication is increasing and this means that legal issues relating to jurisdiction and enforcement and selection of laws that apply to a multi-jurisdictional dispute will become increasingly important and increasingly complex.

The emergence of cybercrime is motivated by technological advances that are not matched by advances in human resources and negligence by users who are tempted by the lure of gifts given by irresponsible parties on behalf of other parties as reinforcement that it is true and not fraud. and most of the users are tempted by the lure of these prizes so as to provide space for people to commit cyber crimes. Economic actors are all parties, both individuals and organizations that carry out production, distribution and consumption activities. Parties that carry out these three economic activities are called producers, distributors and consumers. Business is an activity carried out by individuals and groups of people or organizations that create value through the creation of goods and services to meet people's needs and gain profits through transactions. Era 4.0 is a comprehensive transformation that covers all aspects of production from industry through the fusion of digital technology and the internet with conventional industry. So, business economic actors 4.0 are all individuals and organizations that carry out production and distribution activities that create value through the creation of goods and services in order to gain profits through a combination of digital technology with conventional industry.

E-commerce applications continue to grow and experience an increase in the number of users, but in practice there are risks that must be borne by users who use these applications. The data that consumers provide when they first register in an e-commerce application includes personal data that is protected by law, but unfortunately there are still many ordinary people who do not understand how important and crucial the personal data they provide to Electronic System Operators in the Private sphere is. Based on Article 1 number 6 of the Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 20 of 2016 concerning Personal Data Protection. In the Electronic System (hereinafter referred to as Permenkominfo PDPSE), the meaning of the Electronic System Operator is: "Every Person, State Administrator, Business Entity, and Community Providing, Managing, and/or Operating Electronic Systems Alone or Together to Users of Electronic Systems for their own purposes and/or the needs of other parties." Meanwhile, the meaning of personal data according to Article 1 point 1 of the Permenkominfo PDPSE is: "Certain individual data that is stored, cared for, and protected for truth and its confidentiality is protected."

Based on the description of the background above, the author is interested in conducting research on legal protection for business people against the threat of cyber crime.

Studying study about protection law for perpetrator economy business 4.0 against threat cyber crime is not something bar thing . Though so , the name not yet found the specific research being studied from side regulation law . Following there is a number of creation research conducted by Fajar _ Rachmad Bi Miarsa and Ahmad Heru Ramadan with title " Violation " Law In Acts of Vandalism in Space *Cyberspace* ". Based on results study the put forward that urgency enforcement law for internet social media users other than must have existing regulations _ there is namely UU ITE 11/2008 or those that have been changed become UU ITE 9/2016 still require existence addition regulations governing _ time happening act criminal , good when afternoon nor night , too notice time effective when people are busy work operate system computer . Rule law addition will more emphasized see conditions and time . This thing required for anticipate loss economy , also negligence everyone time _ rest or guarantor answer his supervision . Besides that , protection consumer enforced to multiple

media platform owners used, use ensure the safety alone for social media users from threat or crime in cyberspace, so that platform owner should also responsible answer in replace loss.ⁱ

Second, research conducted by Soesi _ Idayanti et al., with title “ Legal Development Business In Pancasila Perspective in the Revolutionary Era Industry 4.0”. Based on results study the put forward that Role law in activity trade / business already set in various regulation legislation good applicable regulations _ for perpetrator effort nor consumer in give protection law for second party . Legal development carried out good through reconstruction nor harmonization Among progress technology and regulations that have been there is nor will _ made proper could give positive benefits _ with frame it in appropriate law _ with Pancasila values , must capable give protection good to practices harmful trade and protection _ to consumers .ⁱⁱ

From both topics research that has been displayed before , it turns out not yet someone set _ by special and comprehensive about protection law for perpetrator economy business 4.0 against threat cyber crime and here it is location difference studies study this with studies that have conducted before .

II. RESEARCH METHODS

The type of research used is library research and library research/library research although it can be said to be similar but different. Literature study is another term for literature review, literature review, theoretical study, theoretical basis, literature review, and theoretical review. What is meant by library research is research that is carried out only based on written works, including research results, both published and unpublished. Although it is a study, research with literature studies does not have to go down to the field and meet with respondents. The data needed in this study were obtained from library sources or documents.

So the research that the researcher did was a literature study where the researcher reviewed books or literature related to legal protection for business economic actors 4.0 against the threat of cyber crime according to Law No. 11 of 2008 concerning ITE.

The research approach used in this study is descriptive. According to Cholid Narbuko and Abu Achmadi "Descriptive research is research that seeks to explain the solution to existing problems based on data, so it also presents data, analyzes, and interprets."

The data source is the subject from which a data can be obtained. There are two kinds of data sources in this study, namely, primary data sources and secondary data sources. Primary data sources are the most important data sources while the sources are considered the most important, while the primary data sources in this study are those related to titles such as Law No. 11 of 2008 and interviews. Meanwhile, secondary data sources are sources of data obtained from books, journals and other data sources related to the focus of this research, as reference material or reference material.

Data collection methods used are interviews, observation, and documentation. The first data collection technique, using interviews, is a conversation that is directed at a particular problem and is an oral question and answer process, where two or more people face each other physically. Interviews were conducted to obtain as much data or information as possible and as clear as possible on the research subject. The interviews conducted in this research were aimed at the Cirebon City Police, Section IV Cybercrime Sub-Directorate. Both observations are directed at paying attention to activities accurately, noting phenomena that arise, and considering the relationship between aspects

of the phenomenon. Third documentation The definition of document here is referring to materials (materials) such as photography, videos, films, memos, letters, diaries, clinical case records and the like that can be used as supplementary information as part of a case study whose main data source is participant observation or observation. Interview .

The data analysis technique used in this research is descriptive and analytical technique to explain the data as it is. In this case, cybercrime is analyzed using Law No. 11 of 2008 and describes general data to specific data. The place used as the object of the author's research is the Cirebon City Police Station which is located on Jl. Raden Dewi Sartika No. 1 Sumber Subdistrict, Cirebon Regency, West Java.

BASIC CONCEPTS OF LEGAL PROTECTION FOR BUSINESS ECONOMICS 4.0

Business Economy 4.0

The industrial revolution 4.0 makes it easier for the world's people to carry out various daily activities. These technological advances are even used by economic actors to support their businesses to grow and reach a much wider market, especially during the Covid-19 pandemic which requires them to change their direction so that they can survive in difficult times. Buying and selling transactions that sellers and buyers traditionally carry out in economic markets have had to change since the pandemic hit. The world community then switched to digital transactions, later known as the digital economy era. The digital economy is all economic activities that use the help of the internet and also artificial intelligence or AI (Artificial Intelligence) or use information and communication technology to make it more secure and efficient. Not only limited to buying and selling goods, but this trend includes digital marketing, digital wallets, online loans, investments, and much more. The digital economy has proven to be effective in selling and marketing the products and services offered.

Cybercrime

Cyber crime is an illegal act committed by criminals by using computer technology and internet networks to attack the victim's information system. For example, hacking social media, breaking into technological devices and victim data. Then take out the victim's account balance or credit card.

In the ITE Law No. 11 of 2008 itself defines cyber crime or electronic crime as follows:

- a. Electronic Information is one or a set of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail), telegram, telex, telecopy or the like, letters, processed signs, numbers, Access codes, symbols, or perforations that have meaning or can be understood by people who are able to understand them.
- b. Electronic Transaction is a legal act carried out using a computer, computer network, and/or other electronic media.
- c. Information Technology is a technique for collecting, storing, processing, publishing, analyzing, and/or disseminating information.
- d. Electronic Document is any Electronic Information that is created, forwarded, sent, received, or stored in analog, digital, electromagnetic, optical, or similar forms, which can be seen, displayed, and/or heard through a Computer or Electronic System, including but not limited to writing. , sounds, pictures, maps, designs, photographs or the like, letters, signs, numbers, access codes,

symbols or perforations that have meaning or meaning or can be understood by people who are able to understand them.

- e. Electronic System is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate Electronic Information.

Legal protection

The presence of law in society is to integrate and coordinate interests that usually conflict with one another. Therefore, the law must be able to integrate it so that conflicts of interest can be reduced to a minimum. The term "law" in English can be referred to as law or legal. The discussion about law here does not intend to make a definite definition of the meaning of law because according to Immanuel Kant "the meaning or meaning of law is something that is still difficult to find because of the wide scope and various fields that are used as sources for finding law."

The definition of legal terminology in Indonesian according to the KBBI is "regulations or customs that are officially considered binding, confirmed by the authorities or the government, laws, regulations, and so on to regulate community life, standards or rules regarding certain natural events, decisions or considerations determined by judges in court, or verdicts. Legal protection is created as a means or instrument to regulate the rights and obligations of legal subjects. In addition, the law also functions as an instrument of protection for legal subjects.

The above understanding invites several experts to express their opinions regarding the meaning of legal protection, including: According to Satjipto Raharjo, legal protection is to provide protection for human rights that have been harmed by others and this protection is given to the community so that they can enjoy all the rights granted by the law. law. Then, according to CST Kansil Legal Protection are various legal efforts that must be provided by law enforcement officers to provide a sense of security, both mentally and physically from disturbances and various threats from any party. Meanwhile, according to Philipus M. Hadjon, legal protection is a collection of rules or rules that will protect one thing from another. With regard to consumers, it means that the law provides protection for the rights of customers from something that results in the non-fulfillment of these rights. Muktie, A. Fadjar Legal protection is the narrowing of the meaning of protection, in this case only protection by law. The protection provided by law is also related to the existence of rights and obligations, in this case that is owned by humans as legal subjects in their interactions with fellow humans and their environment. As legal subjects, humans have the right and obligation to take legal action.

III. RESULTS AND DISCUSSION

Legal Protection for Business Economic Actors 4.0 Against Cyber Crime Threats

E-commerce is a form of goods and/or service trading system that uses the internet as an intermediary medium. The most prominent characteristic of e-commerce in the world of commerce is the wide space and distance between sellers and buyers. This causes sellers and buyers not to have to meet to make transactions and by using the internet media makes these transactions easily accessible anytime and anywhere. Especially in conducting online buying and selling transactions, both from business actors and consumers, basing these transactions on trust. That is, between the parties must have a sense of trust in each other because the parties do not meet each other directly in conducting online buying and selling transactions.

Indonesia as a state of law guarantees the recognition and protection of fundamental rights or basic rights for all its people, including in conducting transactions both conventionally and online. The Indonesian government issued Law Number 8 of 1999 concerning Consumer Protection or UUPK to protect consumers who are often harmed. Considering the weak position of consumers in general compared to the position of business actors who are stronger in many respects. In this case, the consumer as the party who needs the goods and/or services offered by the business actor is required to follow the rules that have been unilaterally determined by the business actor. But the fact is that in online transactions, losses are not only experienced by consumers. Currently, there are often losses experienced by business actors caused by consumers. Losses in law can be separated into two classifications, namely: First, material losses, namely losses that can be calculated based on nominal amounts, these losses usually occur in cases of Default; Second, immaterial losses are losses that cannot be calculated based on nominal amounts, these losses usually occur in cases of PMH / unlawful acts.

According to the Consumer Protection Law Number 8 of 1999 concerning Consumer Protection of the Republic of Indonesia, it explains that consumer rights include the right to comfort, security, and safety in consuming goods and or services. The right to choose goods and or services and to obtain the goods and or services in accordance with the exchange rate and the promised conditions and guarantees, the right to be treated or served correctly and honestly and not discriminatory, the right to obtain compensation, compensation and or replacement, if goods and or services received are not in accordance with the agreement or not as they should be.

Consumer protection efforts in Indonesia Based on Law Number 8 of 1999 concerning Consumer Protection Article 2. There are 5 principles of consumer protection, namely:

1. Benefit Principle This principle implies that the application of UUPK must provide the maximum benefit to both parties, consumers and business actors. So that no one party has a higher position than the other party. Both parties must obtain their rights.
2. The principle of justice The application of this principle can be seen in Articles 4-7 of the UUPK which regulates the rights and obligations of consumers and business actors. It is hoped that through this principle consumers and business actors can obtain their rights and fulfill their obligations in a balanced manner.
3. The principle of balance Through the application of this principle, it is hoped that the interests of consumers, business actors and the government can be realized in a balanced way, no party is more protected.
4. Principles of Consumer Security and Safety It is expected that the implementation of UUPK will provide guarantees for the safety and security of consumers in the use, use, and utilization of goods and/or services consumed or used.
5. Principle of Legal Certainty It is intended that both consumers and business actors obey the law and obtain justice in the implementation of consumer protection, and the State guarantees the principle of legal certainty

Threats, Challenges, Obstacles, and Efforts in Legal Protection for Business Economic Actors 4.0 Against Cyber Crime

Cybercrime threats are grouped into several groups based on the type of activity including phishing, cyberstalking, defamation, and carding.

Phishing is an example of cyber crime to commit fraud by tricking the victim. Generally, these crimes are carried out via email or other social media, such as sending fake links, creating fake websites, and so on. The goal is to steal the victim's important data, such as personal identity, password, PIN code, OTP code (one time password) on financial accounts, such as mobile banking, internet banking, paylater, digital wallet, to credit cards. Cyberstalking is a crime committed by disturbing or harassing someone using a computer network or other electronic media. Cyberstalking can be done by

publishing documents. Video and photo files of terrorists/threats can be posted to various participants via Internet media such as blogs, email, or social media networks for online tracking or threats. Defamation is a crime using computers, computer networks, or other electronic media by publishing articles, photos, documents or videos that contain insults or harassment of organizations or individuals and manipulate and publish personal data that is not true. Carding is a type of cyber crime that is carried out by transacting using someone else's credit card. So, after knowing the victim's credit card number, the perpetrator then shopped online with the stolen credit card. The credit card number was stolen from an unsecured site or website. It can also be obtained by buying from a network of spammers or data thieves. Furthermore, the credit card data was misused by the carder, the name of the carding criminal.

The Industrial Revolution 4.0 encourages the emergence of innovations in various countries in the world in the realm of e-commerce. Innovating to keep up with developments is not always easy. Various kinds of challenges must be faced through a well-planned strategy. For the case in Indonesia, there are five challenges in the digital economy investment in Indonesia today, according to the Investment Coordinating Board (BKPM), including: Cyber Security, is still the main challenge in terms of e-commerce in various countries including Indonesia as a developing country that has great opportunities. , has an increasing flow of online transactions every year. This will be a new loophole for irresponsible parties to attack the cyber world. For example, ransomware that can attack websites that are engaged in e-commerce. The competition is getting tougher. E-commerce brings increasingly fierce market competition. The development of e-commerce makes it easy for products from other countries to enter Indonesia. As a result, local products will be eroded by foreign products if they do not develop, especially products from other countries which tend to be sold at affordable prices. Human resource development, this makes the next challenge e-commerce. In Indonesia or even in Southeast Asia, human resources are a serious problem. This challenge cannot be completed in a short time. The availability of qualified internet access is no less important than the development of human resources, namely infrastructure. The important point is the availability of qualified internet network access in almost all regions in Indonesia. Because internet network access is what affects e-commerce in Indonesia.

Legal protection for the parties is essentially the same, namely the role of the government to protect the interests of business actors and consumers in the framework of trade. The role of government referred to here includes national and international aspects. That is, the demand for legal certainty in conducting the engagement must be clear from the aspect of national law through the establishment of regulations in the field of legal protection for consumers, as well as aspects of international law through international agreements or harmonization of law. Legal protection for small business actors has been regulated in Article 6 Paragraph (1) and (2) of Law Number 9 of 1995 concerning Small Business. The provisions of Article 6 in full states that the government is developing a business climate for small businesses through policies in the aspects of: funding, competition, infrastructure, information, partnerships, business licensing, and protection.

Forms of Legal Protection for Business Economic Actors 4.0 Against Cyber Crime Threats

The law in principle is a regulation of the attitude (behavior) of a person and society for which violators are sanctioned by the state. Although the cyber world is a virtual world, the law is still needed to regulate people's actions, at least there are two things, namely: First, the people in the virtual world are people who exist in the real world, people have values and interests both individually and together. must be protected. Second, even though they occur in cyberspace, transactions made by the public have an influence in the real world, both economically and non-economically. Misuse of this information technology that can harm other people, nations and countries who use computer facilities that have internet facilities carried out by hackers or a group of crackers from a certain home or place without being noticed by the victim which can cause moral, material and time losses as a result of the destruction. data by hackers. To overcome cybercrime crime, law enforcement

officers are needed who understand and master technology, the obstacles faced by victims are due to ignorance, knowledge of computers and the internet so that if they are harmed they cannot report all criminal events experienced, of course this is a problem for us together. The principle and purpose of this law is that the use of Information Technology and Electronic Transactions is carried out based on the principles of legal certainty, benefit, prudence, good faith, and freedom to choose technology or be technology neutral. So it can be interpreted that the use of information technology and electronic transactions is expected to be guaranteed with legal certainty, has benefits, is full of prudence, has good intentions, and has the freedom to choose technology and is neutral. With the ITE law, it is hoped that it can provide a sense of security and can protect those who use technology. In addition, under certain and dangerous circumstances, those who are victims of technological crimes are also entitled to legal protection, this is stated in Law Number 13 of 2006 concerning the Protection of Witnesses and Victims (UU PSK).

The legal provisions that can be used to drag the perpetrators of Cyber Crime are only limited to the laws and regulations of the Criminal Code (KUHP) and Law no. 11 of 2008 concerning ITE. Other provisions, if any, are spread over various laws and regulations and are not specific. This is influenced by several factors, among others, because the laws and regulations do not regulate in detail the perpetrators who have violated these regulations and the implementation of the handling carried out by law enforcers has not been optimal.

IV. CONCLUSION

Based on the discussion and research results on legal protection against the threat of cyber crime for business economic actors 4.0, several conclusions can be drawn, namely. First, the principle of legal protection for business economic actors 4.0 against cyber threats, in principle legal protection for business economic actors 4.0, namely with the provisions of Article 1320 of the Civil Code which contains conditions for the occurrence of an agreement in this case an agreement between the seller and the buyer which is carried out consciously and responsibly. , then there are provisions from article 45 paragraph 1 of the ITE Law, it becomes the basis of the legal umbrella for crimes that harm business actors, and the UUPK in Chapter 13 which regulates violations of the provisions in this UUPK both by perpetrators and consumers. Second, threats, challenges, obstacles, and legal protection efforts for business economy 4.0 players against cyber crime. , defamation, and online fraud. And third, the form of legal protection for business economic actors 4.0 against the threat of cyber crime is a form of legal protection for both business actors as stipulated in Law Number 9 of 1995 Article 6 Paragraph (1) and (2) concerning Small Business.

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