

BIBLIOGRAPHY

Indonesian Sources of Law

The Constitution of the Republic of Indonesia 1945.

Law Number 11 of 2008 on Information and Electronic Transaction (State Gazette of the Republic of Indonesia year 2008 Number 58, Additional State Gazette of the Republic of Indonesia Number 4843).

Law Number 19 of 2016 on the Amendment of Law Number 11 of 2008 on Information and Electronic Transaction (State Gazette of the Republic of Indonesia year 2016 Number 251, Additional State Gazette of the Republic of Indonesia Number 5952).

Law Number 23 of 2006 (State Gazette of the Republic of Indonesia year 2006 Number 124, additional State Gazette of the Republic of Indonesia Number 4674).

Law Number 24 of 2013 on the Amendment of Law Number 23 of 2006 on Population Administration (State Gazette of the Republic of Indonesia year 2013 Number 232).

Government Regulation Number 71 of 2019 on the Establishment of Electronic System and Transactions (State Gazette of the Republic of Indonesia year 2015 Number 185, Additional State Gazette of the Republic of Indonesia Number 6400).

The Minister of Communication and Informatics Regulation Number 20 of 2016 on Personal Data Protection in Electronic Systems State Gazette of the Republic of Indonesia year 2016 Number 1829).

European Union Sources of Law

Council of Europe, Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data, 28 January 1981.

Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols No. 11 and 14, 4 November 1950.

European Union, Charter of Fundamental Rights of the European Union, 26 October 2012.

European Union, Consolidated version of the Treaty on the Functioning of the European Union, 26 October 2012.

European Union, Directive 95/46/EC of the European Parliament and of the Council on the Protection of Individuals with regards to the Processing of Personal Data and on the Free Movement of Such Data, 24 October 1995.

The General Data Protection Regulation (EU) 2016/679.

Case Laws

CNIL Restricted Committee. ‘Deliberation of The Restricted Committee SAN-2019-001 of 21 January 2019 Pronouncing a Financial Sanction against GOOGLE INC’. 2019.

Google Spain SL and Google Inc v. Agencia Española de Protección de Datos (AEPD) and Mario Costeja Gonzales. 2014. C-131/12.

Maximillian Schrems v. Data Protection Commissioner. 2015. C-362/14.

Books

Ashshofa, Burhan. 2004. *Metode Penelitian Hukum*. Rineka Cipta. Jakarta.

Barkhoum, Mor; Gallego, Beatriz C.; Mackenrodt, Mark-Oliver and Surblyte-Namaviciene, Gintare. 2018. *Personal Data in Competition, Consumer Protection and Intellectual Property Law*. The Springer. Germany.

Diantha, I Made Pasek. 2016. *Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum*. Prenada Media. Jakarta.

Dirdjosisworo, Soedjono. 2010, *Pengantar Ilmu Hukum*. Rajawali Press. Jakarta.

Giakoumopoulos, Christos; Buttarelli, Giovanni and O’Flaherty, Michael. 2018. *Handbook on European Data Protection Law*. Imprimerie Centrale. Luxembourg.

Hadjon, Philipus M. 1987. *Perlindungan Bagi Rakyat di Indonesia*. PT Bina Ilmu. Surabaya.

Holland, James A. and Webb, Julian S. 1991., *Learning Legal Rules.*, Blackstone Limited. Great Britain.

Li, Kuan-Ching; Di Martino, Beniamino; Yang, Laurence T. and Zhang, Qingchen. *Smart Data: State-of-the-Art Perspectives in Computing and Applications*. CRC Press. United States.

Marzuki, Peter Mahmud. 2007. *Penelitian Hukum*. Kencana-Prenada Media. Jakarta.

- Marzuki, Peter Mahmud. 2008. *Pengantar Ilmu Hukum*. Kencana Prenada Media Group. Jakarta.
- Merokusumo, Sudikno. 1991. *Mengenal Hukum (Suatu Pengantar)*. Liberty. Yogyakarta.
- Merski, Roy M. and Dunn, Donald J. 2002. *Legal Research Illustrated*. Foundation Press. New York.
- Nemati, Hamid R. 2012. *Privacy Solutions and Security Frameworks in Information Protection*. IGI Publishing. Pennsylvania.
- Rahardjo, Satjipto. 2000. *Ilmu hukum (Cetakan ke-V)*. PT Citra Aditya Bakti. Bandung.
- Schlesinger. 1998. *Comparative Law Cases and Materials*. Foundation Press. New York.
- Schneier, Bruce. 2015. *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World*. W. W. Norton & Company. New York.
- Sinha, M. P. 2004. *Research Method in English*. Atlantic Publisher. New Delhi.

Journals and Papers

- Anggara; Eddyono, Supriyadi W. and Djafar, Wahyudi. 'Menyeimbangkan Hak: Tantangan Perlindungan Privasi dan Menjamin Akses Keterbukaan Informasi dan Data di Indonesia'. Institute for Criminal Justice Reform. Jakarta. November 2015.
- Anggraeni, Setyawati Fitri. 'Polemik Pengaturan Kepemilikan Data Pribadi: Urgensi untuk Harmonisasi dan Reformasi Hukum di Indonesia'. *Jurnal Hukum & Pembangunan*. Vol. 48. No. 4. December 2018.
- Article 29 Data Protection Working Party. 'Opinion 15/2011 on the Definition of Consent'. Brussels. 13 July 2011.
- Article 29 Data Protection Working Party. 'Statement on Statement of the WP29 on the Impact of Big Data on the protection of Individuals with regard to the processing of Their personal Data in the EU'. 16 September 2014. Brussels.
- Article 29 Data Protection Working Party. 'Opinion 7/2001 on the Draft Commission Decision (version 31 august 2001) on Standard Contractual Clauses for the Transfer of Personal Data to Data Processors Established in Third Countries under Article 26(4) of Directive 95/46'. 13 September 2001. Brussel.

- Article 29 Working Party. ‘Guidelines on Consent under Regulation 2016/679’. 28 November 2017. Brussels.
- Belanger, France; Hiller, Janine S. and Smith, Wanda J. ‘Trustworthiness in Electronic Commerce: The Role of Privacy, Security, and Site Attributes’. *Journal of Strategic Information Systems*. Vol. 11. No. 3-4. 2002.
- Bu-Pasha, Shakila. ‘Cross-Border Issues Under EU Data Protection Law with Regards to Personal Data Protection’. *Information and Communications Technology Law*. Vol. 26. No. 23. May 2017.
- Dewi, Sinta. ‘Konsep Perlindungan Hukum atas Privasi dan Data Pribadi Dikaitkan dengan Penggunaan Cloud Computing di Indonesia’. *Yustisia*. Vol. 5. 2016.
- Diggelmann, Oliver and Cleis, Maria N. ‘How the Right to Privacy Became Human Right’. *Human Rights Law Review*. Vol. 14. No. 3. July 2014.
- Dove, Edward S. ‘The EU General Data Protection Regulation: Implications for International Scientific In the Digital Era’. *The Journal of Law, Medicine and Ethics*. Vol. 46. 2018.
- European Data Protection Board. ‘Guidelines 05/2020 on Consent Under Regulation 679/2016’. Working Party Guidelines. Brussels. 4 May 2020.
- Fefer, Rachel F. ‘Data Flows, Online Privacy, and Trade Policy’. Congressional Research Service (CRS) Report. United States. 11 March 2019.
- Fredriksson, Torbjörn; Barayre, Cécile and Sinoncelli, Oliver. ‘Data Protection Regulations and International Data Flows: Publications for Trade and Development’. United Nations Conference on Trade and Development. Geneva. April 2016.
- Gonzalez, Javier Lopez and Casalini, Francesca. ‘Trade and Cross-Border Data Flows’. OECD Working Party of The Trade Committee. Paris, 9 August 2018.
- Hoecke, Mark Van. ‘Methodology of Comparative Research’. *Law and Method*, Issue 12. 2015.
- Information Commissioner’s Office. ‘Consultation: GDPR consent Guidance’. United Kingdom. 2 March 2017-31 March 2017.
- Johansson, Lena. ‘No Transfer, No Trade-The Importance of Cross-Border Data Transfers for Companies Based in Sweden’. The National Board of Trade. Stockholm. January 2014.

- Khumon, Prapanpong. 'Regulation for Cross-Border Privacy in Southeast Asia: An Institutional Perspective'. 29th European Regional Conference of the International Telecommunications Society. August 2018.
- Kong, Lingjie. 'Data Protection and Transborder Data Flow in the European and Global Context'. *The European Journal of International Law*. Vol. 2. No. 2. 2010.
- Kuner, Christopher. 'Regulation of Transborder data Flows under data Protection and Privacy Law'. OECD Digital Economy Papers. Paris, 1 March 2011.
- Lim, Charles; Suparman, Alex. 'Risk Analysis and Comparative Study of the Different Cloud Computing Providers in Indonesia'. International Conference on Cloud Computing and Social Networking. Bandung. April 2012.
- Nola, Luthvi Febryka. 'Upaya Perlindungan Hukum secara Terpadu bagi Tenaga Kerja Indonesia (TKI)'. *Negara Hukum*. Vol. 7. 2016.
- Nyst, Carly. 'Privacy, Protection of Personal Information and Reputation Rights'. United Nations Children's Fund. New York. March 2017.
- Rahardjo, Satjipto. 'Penyelenggaraan Keadilan dalam Masyarakat yang Sedang Berubah', *Jurnal Masalah Hukum*, Vol. 10. 1993.
- Razak, A.A. 'Understanding Legal Research'. *Integration & Dissemination*. Vol. 4. March 2009.
- Tehrani, Pardis Moslemzadeh; Shamsuddin Bin Hj Sabaruddin, Johan and A. P. Ramanathan, Dhiviya. 'Cross Border Data Transfer: Complexity of Adequate Protection and its Exceptions'. *Computer Law and Security Review*. Vol. 34. No. 3. 2018.
- Tetley, William. 'Mixed Jurisdiction: Common Law v. Civil Law (Codified and Uncodified)'. *Louisiana Law Review*. Vol. 60. No. 3. 2011.
- Vaile, David; Kalinich, Kevin; Fair, Patrick and Lawrence, Adrian. 'Data Sovereignty and The Cloud: A Board and Executive Officer's Guide'. UNSW Faculty of Law Cyberspace Law and Policy Centre. Sydney. July 2013.
- Wang, Min and Jiang, Zuosu. 'The Defining Approaches and Practical Paradox of Sensitive Data: An Investigation of Data Protection Laws in 92 Countries and Regions and 200 Data Breaches in the World'. *International Journal of Communication*. Vol. 11. No. 20. 2017.
- Warren, Samuel D. and Brandeis, Louis D. 'The Right to Privacy'. *Harvard Law Review*. Vol. IV. No. 5. December 1890.

Zhang, Dongpo. 'Big Data and Privacy Protection'. 8th International Conference on Management and Computer Science. China. 1 January 2018.

Thesis and Legal Research

Manik, Jonatahan. 2015. 'Analisis Adopsi Layanan Cloud Computing pada Industri Perbankan di Indonesia'. Thesis. Faculty of Engineering Universitas Indonesia. Depok.

Muchsin. 2003. 'Perlindungan dan Kepastian Hukum bagi Investor di Indonesia'. Dissertation. Faculty of Law. Universitas Sebelas Maret. Surakarta.

Nugraha, Radian Adi. 2012. 'Analisis Yuridis Mengenai Perlindungan Data Pribadi dalam Cloud Computing System ditinjau dari Undang-Undang Informasi dan Transaksi Elektronik'. Legal Research. Faculty of Law Universitas Indonesia. Depok.

Santara, Radhy Alfian. 2017. 'Perlindungan Hukum Asuransi bagi Penumpang Bus antar Kota dalam Provinsi (AKDP) yang tidak Laik Jalan berdasarkan Hukum Positif di Indonesia (Studi pada Bus AKDP Trayek Bandung-Bogor)'. Thesis. Faculty of Law. Universitas Pasundan. Bandung.

Setiono. 'Rule of Law (Supremasi Hukum)'. Thesis. Postgraduate Program Magister of Legal Science, Universitas Sebelas Maret. Surakarta.

Internet

Aguiar, Joshua. 'Data Classification and Protecting Information'. <https://journal.ahima.org/data-classification-and-protecting-information/>, accessed 22 May 2020.

Article 29 Working Party. 'Statement on the Schrems Judgment'. https://ec.europa.eu/justice/article-29/press-material/press-release/art29_press_material/2015/20151016_wp29_statement_on_schrems_judgement.pdf, accessed 26 June 2020.

Ayuwuragil, Kustin. 'Rincian Klasifikasi Data yang Wajib Ditaruh di Indonesia'. <https://www.cnnindonesia.com/teknologi/20171123171708-185-257662/rincian-klasifikasi-data-yang-wajib-ditaruh-di-indonesia>, accessed 11 May 2020.

CNN Indonesia. 'Ganggu Kedaulatan Data, Pengamat Minta PP PSTE Direvisi'. <https://www.cnnindonesia.com/teknologi/20191101182832-185-444955/ganggu-kedaulatan-data-pengamat-minta-pp-pste-direvisi>, accessed 11 May 2010.

CNN Indonesia. 'Industri Tetap Keberatan atas Pengesahan PP PSTE'. <https://www.cnnindonesia.com/teknologi/20191024161105-185->

442576/industri-tetap-keberatan-atas-pengesahan-pp-pste, accessed 24 June 2020.

CNN Indonesia. 'Kominfo Janjikan Aturan Data Center Rampung Seminggu'. <https://www.cnnindonesia.com/teknologi/20200228181113-185-479246/kominfo-janjikan-aturan-data-center-rampung-seminggu>, accessed 3 June 2020.

Cooper, Tim; and LaSalle, Ryan. 'Guarding and Growing Personal Data Value'. https://www.accenture.com/_acnmedia/pdf-4/accenture-guarding-and-growing-personal-data-value-pov-low-res.pdf, accessed 1 April 2020.

Cory, Nigel. 'Cross-Border Data Flows: Where Are the Barriers, and What Do They Cost?'. <https://itif.org/publications/2017/05/01/cross-border-data-flows-where-are-barriers-and-what-do-they-cost>, accessed 2 March 2020.

DetikNews. 'Telkom Kena Imbas Banjir, Situs Kepresidenan Lumpuh'. <https://news.detik.com/berita/d-737513/telkom-kena-imbis-banjir-situs-kepresidenan-lumpuh>, accessed 25 May 2020.

Djafar, Wahyudi. 'Hukum Perlindungan Data Pribadi di Indonesia: Lanskap, Urgensi dan Kebutuhan Pembaruan'. <http://law.ugm.ac.id/wp-content/uploads/sites/1043/2019/08/Hukum-Perlindungan-Data-Pribadi-di-Indonesia-Wahyudi-Djafar.pdf>, accessed 18 November 2019.

Editorial Board of the Jakarta Post. 'End Impunity for Data Leaks'. <https://www.thejakartapost.com/academia/2019/09/20/end-impunity-for-data-leaks.html>, accessed 21 May 2020.

Elnizar, Normand E. 'Perlindungan Data Pribadi Tersebar di 32 UU, Indonesia Perlu Regulasi Khusus'. <https://www.hukumonline.com/berita/baca/lt5d1c3962e01a4/perlindungan-data-pribadi-tersebar-di-32-uu--indonesia-perlu-regulasi-khusus/>, accessed 27 December 2019.

European Commission. 'What Constitutes Data Processing?'. https://ec.europa.eu/info/law/law-topic/data-protection/reform/what-constitutes-data-processing_en, accessed 20 January 2020.

European Data Protection Supervisor. 'Data Protection'. https://edps.europa.eu/data-protection_en, accessed 26 May 2020.

European Union. 'Data Protection under GDPR'. https://europa.eu/youreurope/business/dealing-with-customers/data-protection/data-protection-gdpr/index_en.htm, accessed 20 December 2019.

- European Union. ‘Regulations, Directives and Other Acts’. https://europa.eu/european-union/eu-law/legal-acts_en, accessed 26 May 2020.
- GDPR.EU. ‘What are the GDPR Consent Requirements?’. <https://gdpr.eu/gdpr-consent-requirements/>, accessed 26 May 2020.
- GDPR.EU. ‘What is GDPR, the EU’s New Data Protection Law?’. <https://gdpr.eu/what-is-gdpr/>, accessed 19 July 2020.
- Global Freedom of Expression Columbia University. ‘Schrems v. Data Protection Commissioner: Case Analysis’. <https://globalfreedomofexpression.columbia.edu/cases/schrems-v-data-protection-commissioner/>, accessed on 7 July 2020.
- GoQuo. ‘About Us’. <https://goquo.com/about/>, accessed 10 May 2020.
- Gustke, Constance. ‘Which Countries are Better at Protecting Privacy?’. <https://www.bbc.com/worklife/article/20130625-your-private-data-is-showing>, accessed 19 November 2019.
- Harsono, Norman. ‘Businesses as Risk: Experts Sound Alarm on Cyberthreat’. <https://www.thejakartapost.com/news/2019/02/22/businesses-as-risk-experts-sound-alarm-on-cyberthreat.html>, accessed 29 June 2020.
- Highline College. ‘Introduction to Law: Primary and Secondary Sources’. <https://library.highline.edu/c.php?g=344547&p=2320319>, accessed 18 November 2020.
- Information Commissioner’s Office. ‘Data Controllers and Data Processors: What the Difference is and What the Governance Implications are’. <https://ico.org.uk/media/for-organisations/documents/1546/data-controllers-and-data-processors-dp-guidance.pdf>, accessed 20 December 2019.
- Kahfi, Kharishar. ‘“Data More Valuable than Oil”: Jokowi Asserts Need to Guard Privacy’. <https://www.Thejakartapost.Com/News/2019/08/17/Data-More-Valuable-Than-Oil-Jokowi-Asserts-Need-To-Guard-Privacy.Html>, accessed 18 November 2019.
- Kwang, Kevin. ‘Sephora Data Breach: 3.7M Customer Records Up for Sale on Dark Web, says Cybersecurity Firm’. <https://www.channelnewsasia.com/news/singapore/sephora-data-breach-customer-records-for-sale-dark-web-11772722>, accessed 19 July 2020.
- Malindo Air. ‘Malindo Air Data Breach Update’. <https://www.malindoair.com/news-events/2019/09/23/MALINDO-AIR-DATA-BREACH-UPDATE>, accessed 10 May 2020.

Ministry of Communication and Informatics (*Kementerian Komunikasi dan Informatika*). 'UU Data Pribadi Masuk Prioritas 2019'. https://kominfo.go.id/content/detail/15264/uu-data-pribadi-masuk-prioritas-2019/0/sorotan_media, accessed 18 November 2019.

Ministry of Communication and Informatics (*Kementerian Komunikasi dan Informatika*). 'Revisi PP PSTE Masuk Tahap Finalisasi'. https://kominfo.go.id/content/detail/13563/revisi-pp-pste-masuk-tahap-finalisasi/0/sorotan_media, accessed 10 May 2020.

Reuters; France-Presse, Agence. 'Malindo Air says Massive Data Breach was caused by Former Staff at Contractor in India'. <https://www.scmp.com/news/asia/southeast-asia/article/3030018/malindo-air-says-massive-data-breach-was-caused-former>, accessed 10 May 2020.

Rizki, Mochammad J. 'PP PSTE Dikhawatirkan Ganggu Kedaulatan Data'. <https://www.hukumonline.com/berita/baca/lt5dc0b5f2420a8/pp-pste-dikhawatirkan-ganggu-kedaulatan-data/>, accessed 18 November 2019.

Robinson, Rebecca S. 'Purposive Sampling'. https://link.springer.com/referenceworkentry/10.1007%2F978-94-007-0753-5_2337, accessed 10 February 2020.

Sukumaran, Tashny. 'Malindo Air Confirms Data Breach, Exposing Millions of Passengers' Personal Data'. <https://www.scmp.com/news/asia/southeast-asia/article/3027780/malindo-air-confirms-data-breach-exposing-millions>, accessed 10 May 2020.

The GSMA. 'Cross-Border Data Flows: Realizing Benefits and Removing Barriers'. https://www.gsma.com/publicpolicy/wp-content/uploads/2018/09/GSMA-Cross-Border-Data-Flows-Realising-benefits-and-removing-barriers_Sept-2018.pdf, accessed 1 January 2020.

Wibowo, Agus; Surbakti, Indra and Yunus, Ridwan. 'Indonesia Disaster Database'. https://www.unescap.org/sites/default/files/S2-3_Indonesia.pdf, accessed 25 May 2020.

Yale University Library. 'Comparative Literature: Primary, Secondary and Tertiary Sources'. <https://guides.library.yale.edu/c.php?g=295913&p=1975839>, accessed 8 November 2019.

Zhu, Wei-Dong; Allenbach, Gary; Battaglia, Ross; Boudreaux, Juli; Harnick-Shapiro; Kim, Heajin; Kreuch, Bob; Morgan, Tim; Patel, Sandip; and Willingham, Martin. 'Disaster Recovery and Backup Solutions for IBM FileNet P8 Version 4.5.1 Systems'. <http://www.redbooks.ibm.com/redbooks/pdfs/sg247744.pdf>, accessed 25 May 2020.