

Legal Protection for Automatic Exchange of Information Taxation in Indonesia: The Importance of Synergy with Cybersecurity Institutions

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Abstract

Every citizen who is the subject of taxes and already has a Taxpayer Identification Number (NPWP or NIK) must do tax reporting on his income. Such reporting ensures taxpayer property and income data validation while supporting good governance. Data automation support is needed from other agencies such as banks to find out the balance and ownership of deposits and bank securities, land bodies to know land ownership, stock exchanges to know share ownership and other institutions related to property ownership. Integration between these institutions will increase the validity of reporting property and income owned by government officials, ultimately improving integrity towards good governance. In reality, there is no automation of validation of annual notification letter (SPT) charging data on property ownership data in each institution due to the sectoral ego of each institution, and there is no real-time regulation of property validation. Automatic Exchange of Information (AEOI) enables the automated sharing of a set of information that has been previously defined by the tax authorities. AEOI is a plan of the G20 members and is initiated by the OECD. The AEOI system works through the exchange of financial data of foreign nationals living in a country. The exchange of financial data is carried out between the tax authorities in each country. Indonesia is prepared to put this into practice as a G20 member, as evidenced by the previous release of Minister of Finance Regulation Number 39/PMK.03/2017 (PMK 39), covering Procedures for Exchange of Information Based on International Agreements. Types of Documents and/or Additional Information Required to Be Retained by Taxpayers Conducting Transactions with Related Parties and Procedures for Management, Minister of Finance Regulation No. 213/PMK..03/2016 (PMK 213). As a result, in addition to the Automatic Exchange of Information (AEOI) regulation put out by

the Organization for Economic Cooperation and Development, there needs to be legal protection (OECD). Furthermore, the author emphasizes the importance of cooperation and synergy with cybersecurity institutions to secure tax exchange data.

I. Introduction

The Unitary State of the Republic of Indonesia's stated goal is to raise the standard of living for all Indonesians, according to the Constitution of the Republic of Indonesia. In order to do this, the state requires resources to provide state revenues that may be utilized to fund domestic growth. State revenue is comprised of taxes, non-taxes, and grants, according to Indonesian Law No. 17 of 2003 on State Finance, Article 11 paragraph (3). based on Article 1 Paragraph (1) of the Third Amendment to RI Law No. 6 of 1983 on General Provisions and Taxation Procedures (RI Law No. 28 of 2007). Taxes are compelled financial contributions to governments or other entities that are coercive in nature, employed solely for the benefit of the state for the welfare of its citizens, without providing any direct advantages. Taxes are the main source of state funding. Today, adjusting to the Digital Age is a difficulty for state revenue management. Artificial intelligence is being used to identify and promote the management of financial statements. The goal of the program is to expand fiscal capacity for tax and other revenue collection while bolstering domestic resource mobilization. In some nations, taxes pose a considerable barrier to the adoption of international financial reporting standards. Countries' governments, especially those in developing nations, won't be particularly encouraged to adopt the standard model of global financial reporting disclosure and presentation if it lowers their tax receipts. The Goods and Services Tax, one of the factors in the changes to the effective global tax system, first presented obstacles or challenges to the transition¹.

The role of tax revenue in Indonesia contributes enormously to meeting the State Revenue and Expenditure Budget (APBN) ². In some of these periods, the acceptance target has never been reached 100% of the planned ³. To achieve

¹ Nurul Nazlia Jamil and Siti Nur Ayuni Rusli, "Malaysian Private Entity Reporting Standard (MPERS) Implementation for Small and Medium Enterprises (SMEs)," *Accounting* 7, no. 3 (2021): 615-20, <https://doi.org/10.5267/j.ac.2020.12.017>.

² Supriyadi, "Automatic Exchange of Information Sebagai Sarana Meningkatkan Empat Pilar Kepatuhan Pajak," *Reformasi Administrasi* 6, no. 6 (2019): 118.

³ Adi Priyono, "Kepatuhan Wajib Pajak Terhadap Regulasi Pajak Restoran Di Kabupaten Sidoarjo" (Universitas Airlangga, 2020).

the tax revenue that has been established, one of the policies in the field of taxation carried out is through the utilization of Automatic Communication of Information (AEOI). These are employed to broaden the tax base and combat tax evasion and base erosion and profit shifting, or BEPS. Additionally, it offers a model for an international legislative framework that governs automatic information flow across jurisdictions, including provisions for protecting information privacy⁴.

During the era of information openness, the world of taxation also participates in the current generation of information openness. Indonesia is among the nations that have agreed to participate in financial information sharing. The results of a global agreement called the Global Forum on Transparency and Information Exchange for Tax Purposes constitute the basis of AEOI, which is implemented automatically for the sake of taxes⁵. The OECD seized on the opportunity and supported automated information exchange as a new global standard⁶. Ministers and Central Bankers from G20 and OECD nations convened to voice their support for AEOI as the worldwide standard for tax information sharing⁷. The OECD's business and industry advisory committee has compiled a self-certification form and has asked the OECD to make this form available on the AEOI Portal to implement⁸. More than 100 countries or jurisdictions implemented AEOI policies in 2017 and 2018.

It is essential to state Indonesia's position as a cooperative jurisdiction that will affect Indonesia's financial and industrial sectors. To follow this requirement, Indonesia has established Law No. 9 of 2017 on The Establishment of Government Regulations instead of Law No. 1 of 2017 on Access to Financial Information for The Benefit of Taxes. The Indonesian Ministry of Finance supports the disclosure of banking information in exchanging tax information. The Financial Services Authority issued Circular Letter No. 16/S.E.O.J.K.03/2017 on The Submission of Foreign Customer Information related to taxation in the framework of automatic Exchange of Information between countries using Common Reporting Standards. The convention's expectation will facilitate the widespread exchange of automated information between signatories. It seems to be the case, and now an 'automated' exchange group has been formed comprising

⁴ Vilasini Pollisetty, "Automatic Exchange of Information," *Moral Cents*, 2020, 47-55, <https://sevenpillarsinstitute.org/wp-content/uploads/2020/05/AEOI-EDITED-1.pdf>.

⁵ Supriyadi, "Automatic Exchange of Information Sebagai Sarana Meningkatkan Empat Pilar Kepatuhan Pajak."

⁶ Leo Ahrens and Fabio Bothner, "The Big Bang: Tax Evasion After Automatic Exchange of Information Under FATCA and CRS," *New Political Economy* 25, no. 6 (2020): 849-64, <https://doi.org/10.1080/13563467.2019.1639651>.

⁷ N. E. Fatimah, "Press Release" (Bureau of Communication and Information Service, Ministry of Finance Indonesia Republic, 2016).

⁸ Eva Andrés Aucejo, "Towards an International Code for Administrative Cooperation in Tax Matter and International Tax Governance," *Revista Derecho Del Estado*, no. 40 (December 2017): 45-85, <https://doi.org/10.18601/01229893.n40.03>.

45 countries today⁹. International cooperation in exchanging information for tax purposes is one of the global initiatives to address the global financial crisis¹⁰. In addition, taxation has a real-world impact on corporate activities, and the taxpayer accounts for this. If tax payers observe that the automatic information sharing between the two nations is seamless, they can be confident that they won't harbor any misgivings about either government¹¹.

Based on the Financial Information Access Act, several implementation regulations ranging from Government Regulations to technical instructions in Circular Letters are issued. The Minister of Finance's Regulation No. 125/P.M.K.010/2015 on Changes to The Minister of Finance Regulation No. 60/P.M.K.03/2014 on Procedures for The Exchange of Information Article 2 paragraph 1. It stipulates that the Director of Taxation Regulation II of the Directorate General of Taxation (DJP) may exchange information with the tax authorities of the jurisdictions of partner countries or partner jurisdictions through on-request information exchange, spontaneous exchange of information, and exchange of information automatically. This information exchange is done reciprocally to sell data into the country and business of data abroad. This approach can normalize relationships between companies, reduce complex agreements, allow the exchange of information, and reduce transaction costs¹². Although previous attempts have been unsuccessful, information exchange agreements theoretically allow resident countries to detect tax evaders and impose rightful taxation¹³. With CRS at its heart, the complicated nature of the new global AEOI architecture could burden tax authorities, gathering much relevant information from local financial intermediaries and exchanging this information mostly reciprocally with their foreign counterparts¹⁴.

Information about non-resident financial accounts is shared via the Automatic Information Exchange Agreement with tax authorities in the country where the account holder resides¹⁵. Director of International Taxation John Hutagaol said that several mechanisms must be adhered to by each authority to obtain and utilize AEOI results data that must be following the standards set by transparency and Information Exchange Global Forum. Decisions aimed at taxes online (usually using cloud technology) and electronic reporting to regulatory

⁹ Miranda Stewart, "International Tax, the G20 and the Asia Pacific: From Competition to Cooperation?," *Asia and the Pacific Policy Studies* 1, no. 3 (2014): 484-96, <https://doi.org/10.1002/app5.42>.

¹⁰ Fatimah, "Press Release."

¹¹ Gennadi Tolstopyatenko and Stanislav Ageev, "The Roots of Legal Problems Arising in the Course of Automatic Exchange of Information in Tax Matters between the EU and Russia," *Russian Law Journal* 9, no. 4 (2021): 99-127, <https://doi.org/10.17589/2309-8678-2021-9-4-99-127>.

¹² Ali Davoudi-Kiakalayeh et al., "Alloimmunization in Thalassemia Patients: New Insight for Healthcare," *International Journal of Preventive Medicine* 8 (2017): 2020-23, <https://doi.org/10.4103/ijpvm.IJPVM>.

¹³ Ahrens and Bothner, "The Big Bang: Tax Evasion After Automatic Exchange of Information Under FATCA and CRS."

¹⁴ Vilasini Pollisetty, "Automatic Exchange of Information."

¹⁵ Vilasini Pollisetty.

authorities ¹⁶. Data in the form of financial information obtained from data exchange must automatically be processed in several stages.

2. Research Method

Normative legal research is utilized in this study. Research that examines the laws and regulations that apply to or are applied to a specific legal issue is known as normative legal research. This research is a literature study reviewing several AEOI rules globally and nationally. The data used is secondary data originating from indexed and reputable scientific journals as well as the official websites of global and national financial institutions. This research was conducted through four stages, namely:

1. Collecting data sourced from journals, books, and articles related to the problem under study, then formulating it into a theoretical basis;
2. Identify AEOI-related regulations for tax purposes in order to help overcome legal, operational, and political barriers to international cooperation;
3. Analysing AEOI for tax purposes in order to increase transparency in the financial system and reduce tax avoidance;
4. Make conclusions from the results of the analysis.

3. Results and Discussion

Automatic Exchange of Information Taxation

Efforts to improve tax compliance are an exciting topic when discussing the use of tax-related data and information. It is because tax compliance is closely related to tax revenues to improve tax compliance. It needs to be valid data and information from tax authorities related to taxpayers' assets, income, and expenses. Therefore, collecting data and information from Agencies, Institutions, Associations, and other Parties (ILAP) following the mandate of Article 35A of the KUP Law needs to be done by DJP as a tax authority.

AEOI data and information are currently being collected and processed by DJP and related institutions. DJP has not utilized AEOI Data, considering that the data must be managed using stringent OECD standards with a very high level of confidentiality ¹⁷. The exchange of financial information is automatically inspired by the Fair and Accurate Credit Transactions Act (FACTA) program passed in the United States. FACTA is considered a catalyst policy in the area of the

¹⁶ Oleh Vysochan et al., "Selection of Accounting Software for Small and Medium Enterprises Using the Fuzzy Topsis Method," *TEM Journal* 10, no. 3 (2021): 1348-56, <https://doi.org/10.18421/TEM103-43>.

¹⁷ Hanns de la Fuente-Mella, Ana María Vallina-Hernandez, and Rodrigo Fuentes-Solís, "Stochastic Analysis of the Economic Growth of OECD Countries," *Economic Research-Ekonomska Istrazivanja* 33, no. 1 (2020): 2189-2202, <https://doi.org/10.1080/1331677X.2019.1685397>.

automatic exchange of information because it brings substantial changes to reporting that is global and involves many countries in international tax matters¹⁸. The description of the Process of Exchange of Information automatically by adopting the FACTA is visible in Figure 1:

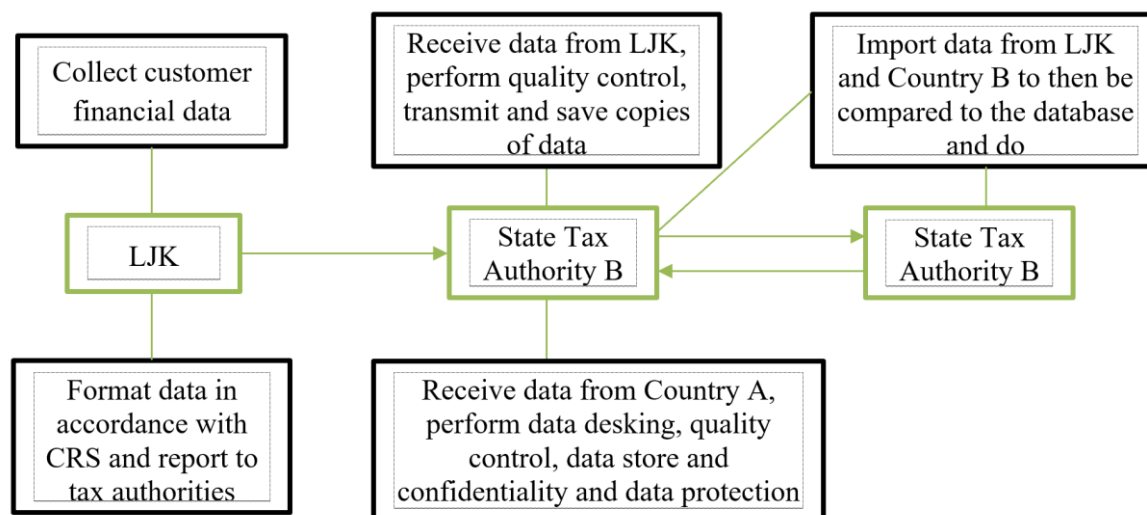


Figure 1. Automatic Information Exchange Process

The AEOI in Indonesia consists of data sourced from AEOI Foreign Taxpayers and Domestic Taxpayers. For AEOI Data, Overseas Taxpayers collect and manage their data through Financial Services Institutions using the Foreign Customer Delivery System (SIPINA) developed by OJK. As for AEOI Data of Foreign Taxpayers from other Financial Services Institutions and other Entities through the DJP page, www.eoi.pajak.go.id. The following is a scheme related to the exchange of information (EOI) in general, EOI both automatic, on-Request, and CbCR and related parties and institutions in the framework of the collection and management of AEOI Data.

¹⁸ Supriyadi, "Automatic Exchange of Information Sebagai Sarana Meningkatkan Empat Pilar Kepatuhan Pajak."

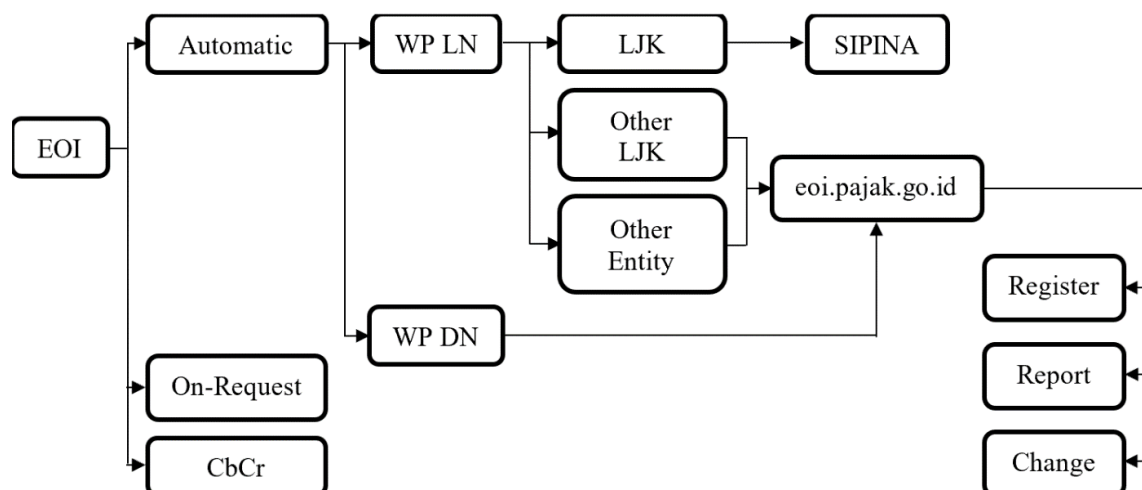


Figure 2. Exchange of Information Scheme

The Directorate General of Taxes can immediately carry out AEOI data by referring to Circular Letter Number SE-12/PJ/2019 on Automatic Management of Financial Information. The provisions of management and working arrangements in an integrated (end to end) consisting of LK registration, financial information reporting, registration supervision and reporting, processing of financial information, and financial information follow-up. Taxpayers practice tax avoidance due to lack or even lack of information related to the four pillars of tax compliance. According to the Minister of Finance's Regulation Number, PMK-87 / PMK.01 / 2019 on Changes to The Minister of Finance Regulation No. 217 / PMK.01 / 2018 on the Organization and Working Procedures of the Ministry of Finance is an organizational change in the DJP. One of them is to form a new directorate called the Directorate of Taxation Data and Information that has duties and functions in data and information governance, internal data processing, external data processing, taxpayer compliance analysis, and risk and data science. Efforts to increase the validity of tax return data sourced directly from each official asset ownership body conducted by the Directorate General of Taxes. It can leverage AEOI data and other internal and external data to detect tax avoidance and offshore wealth, improve tax compliance, and explore potential tax receipts to increase tax revenues. Therefore, DJP needs to increase counseling and socialization to taxpayers. In addition, socialization to the vertical units of DJP, regional offices, KPP, and KP2KP, and stakeholders need to be done to increase the validity of property and income reporting owned by government officers who will ultimately improve integrity towards good governance.

Legal Protection and Solution to Tax Authority

On the other hand, there is an imperative need for legal protection for electronic data exchange transactions. According to Philipus M. Hadjon, legal protection

entails safeguarding worth and dignity as well as recognizing the human rights that legal subjects are entitled to based on various legal rules. Legal protection facilities come in two flavors: preventative legal measures and repressive legal methods. This study focuses on preventative legislative measures, and the authors contend that in order to offer government data protection, the Directorate General of Taxes (DJP) and the authorized institutions—in this case, the BSSN—need to work in tandem. The National Cyber and Crypto Agency (BSSN) is tasked with implementing cyber security effectively and efficiently based on Presidential Regulation Number 53 of 2017 as revised by Presidential Regulation Number 28 of 2021 by employing, creating, and combining all cyber security-related aspects.¹⁹

This synergy is expected to prevent data leakage and data misuse by unauthorized parties. The form of this synergy can be in the form of an MOU, cooperation agreement, or other forms according to the needs of the organization.

Preventive Legal Protection

It is the duty of Indonesia Government to protect and guarantee the rights of citizens. Governments often use security as a pretext for actions that violate privacy rights. Events such as terrorism, cyberattacks, or threats to the state drive many surveillance programs.²⁰

The concept of privacy is frequently referred to as a Western (European) concept with human rights, per Indonesian law. The general population is unaware of privacy, particularly the protection of personal data, for this reason. Indonesian individuals can easily disclose their home address, birth date, and various social connections to others. Additionally, sending identity cards (KTP) or other personal documents containing a person's personal information to outside parties is customary in Indonesia, particularly in this case where the transmission of tax data relates to cyber security.

Regarding personal rights, the argument about how crucial it is to uphold the right to privacy has been raised in court decisions, first in the UK and then the US. By this time, The Law of Private Law had been published in Harvard Law Review Vol. IV No. 5 on December 15, 1890 by Samuel Warren and Louis Brandeis. The first article to consider the right to privacy as the first law was titled "Privacy Law." The right to privacy, according to Warren and Brandeis, is "the right to be alone. They are defined by two levels: (i) Self-esteem. and (ii) values

¹⁹ Peraturan Presiden Republik Indonesia, "Badan Siber Dan Sandi Negara," Pub. L. No. 53 (2017), <https://peraturan.bpk.go.id/Home/Details/72920/perpres-no-53-tahun-2017>; Peraturan Presiden Republik Indonesia, "Badan Siber Dan Sandi Negara," Pub. L. No. 28 (2021), <https://peraturan.bpk.go.id/Home/Details/165493/perpres-no-28-tahun-2021>.

²⁰ David Cole and Federico Fabbrini, "Bridging the Transatlantic Divide? The United States, the European Union, and the Protection of Privacy across Borders," *International Journal of Constitutional Law* 14, no. 1 (2016): 220–37, <https://doi.org/10.1093/icon/mow012>.

such as self-respect, personal freedom and identity. This idea was later recognized and confirmed by many cases that later confirmed the need to protect the right to privacy, especially the right to justice.

With the advancement of technology, particularly in the areas of information and communication, the legislation governing the protection of personal information also changes. As previously said, Europe, which is controlled by Article 8 of the European Convention, lacks a precise definition of privacy and private life, which negatively impacts data protection. In the age of the information society, the right to data protection itself attempts to protect individuals. In 1970, Germany became the first nation to enact data protection laws, followed by the United Kingdom in the same year and a number of other European nations, including Sweden, France, Switzerland, and Austria. The Act's presence led to a similar development in the United States.

The data protection law must apply to the design to store electronic data and the processing of work data as well as manual data (recorded data). This means that all data processing on computers, phones, IoT devices, and recorded data must be covered by the law. Institutions in both the public (government) and commercial sectors are included. Regarding people, it is generally accepted that work done for personal or familial reasons is excluded from the law. In general, data protection rules also cover cross-border data transfers, which frequently result in legal problems, including domestic infractions. In order to ensure that personal information is secured whether it is processed inside or outside of the country in which a person resides, the legislation must put the person in place (extraterritory). Additionally, it is only possible to transfer personal data to a foreign address if the receiver has a degree of data protection that is equivalent to the bare minimum required in the country.

The right to privacy – which includes the protection of private information – was acknowledged throughout its growth as one of the civil rights, particularly when the law – the 1945 Constitution – was amended. This is based on the modified constitution's inclusion of a separate chapter on human rights (Bill of Rights) (Article XA-Article 28A-J). The 1945 Constitution's Article 28G clause (1) has provisions relating to the recognition of privacy. It reads as follows: "Everyone is entitled to their own right to property, family, respect, dignity, and privacy. He is also entitled to these rights. The International Covenant on Civil and Political Rights (ICCPR), ratified by Law No. 12/2005, also refers to the responsibility of the Indonesian government to protect the privacy and personal information of its residents in addition to legal protection.

Personal Information Law No. 31 Financial Law Bank secrecy is defined as all pertinent information regarding depositors and their deposits under Article 1 Paragraph (28) of the Financial Law. As a result, the foundation of the connection between the consumer and the bank is the concept of trust and privacy. a standard of data protection that meets the legal requirements for doing everything in the nation.

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Major changes took place with the enactment of Law no. 21/2011 concerning Financial Services Authority (OJK), which has rights to supervise every financial institution and service providers, including taxation, which are supervised by central banks.²¹ This care also includes the privacy of users' personal information. These regulations were later confirmed in OJK Regulation (POJK) No. 1/POJK.07/2013 on Consumer Protection in Financial Services, Section 2 letter (d) of which states that the basic principle of consumer protection that OJK should do is to enforce the principles of privacy and customer data/information security. Acting on In fact, the POJK also has a special chapter that manages the supervision of consumer protection in financial services under the authority of the OJK.

OJK also has a more detailed list of consumer personal data and/or information that must be kept confidential through OJK Registration Form 14/SEOJK.07/2014 regarding protection and security of consumer personal data and/or information. name, address, phone number, date of birth and/or age, and/or parent's name (customer specific), as well as the organization of the board of directors and personal information of the manager including ID card/passport/residence documents, and /or the formation of members (especially for business users). In addition, in response to the development of financial services, including the practice of collecting personal information of consumers, OJK also issued two laws: (i) POJK no. 77/POJK.01/2016 regarding Information Technology Based Lending and Borrowing Services (LPMUBTI); and (ii) POJK No. 13/POJK.01/2018 on Digital Financial Innovation in the Financial Services Sector.

Meanwhile, in the context of taxation, debate erupted with the promulgation of Law No. 1. 11/2016 regarding tax amnesty, and issued Perpu no. 1/2017 regarding access to financial information for tax purposes (Law No. 9/2017). The

²¹ Taufik H. Simatupang, "Hak Asasi Manusia Dan Perlindungan Kekayaan Intelektual Dalam Perspektif Negara Hukum," *Jurnal HAM* 12, no. 1 (2021): 111, <https://doi.org/10.30641/ham.2021.12.111-122>.

debate mainly arose from the adequacy of tax information as well as the right of taxpayers to receive tax information for taxpayers.

Almost all financial institutions around the world use bank secrecy because it is important to protect the investor's identity. As a financial industry, banks' services depend on the trust of their customers. Therefore, they have a responsibility to protect their customers' information. As access to this information has been restricted, banks have gained the trust of customers, making them a popular place to save money. In short, bank secrecy is an important factor in the financial industry. As far as Indonesia is concerned, corporate privacy or consumer privacy provisions are set forth in various laws as follows: 1. Article 40 and Article 41 of the Bankruptcy Act 7 of 1992 as amended by Act 10 of 1998; has been modified. 2. Section 47 of Law 8 of 1995 on Capital Markets; 3. Section 17, Section 27 and Section 55 of the Futures Trading Act 32 of 1997 as amended by Act 10 of 2011. and 4. Section 41 and Section 42 of the Sharia Banking Act 21 of 2008.

As a result of these worries, the Indonesian government has a unique cybersecurity policy. It was first announced in 2007 by the Minister of Communications and Information Technology as Regulation No.26/PER/M.Kominfo/5/2007 concerning Protocol-Based Telecommunication Network Internet Security. This regulation was later amended by Regulation Minister of Communication and Information No.16/PER/M.KOMINFO/10/2010, which was last amended by Decree of the Minister of Communication. One of the regulation and law's provisions was created by ID-SIRTIL, which stands for Indonesian Internet Infrastructure Security Council.²²

According to Hasim Gautam, Indonesia has now legalized cyber security law, etc., documents and electronic trading numbers. 11 of 2008, Federal Law on Energy and Industry no. 82 of 2012 and articles and provisions thereof. Regarding efforts to ensure legitimacy in cybersecurity development, this has been done, inter alia, by using services that have already begun to operate, such as: launching laws and regulations related to cybersecurity; to do Information and Electronic Law No. 11 of 2008, Federal Energy and Industry Law No. 82 of 2012, creating a national cyber security framework.

Indonesia's national strategy to establish a national cyber security ecosystem should be coordinated with the creation and strengthening of the country's cyber security policy. Personal Information Protection Law, in this case tax support from cybersecurity as regulated in Indonesian laws and regulations, is needed which cannot be postponed anymore because it is important for many national interests. Indonesian international organizations also require the protection of

²² Batara Randa and Haryanto, "PERLINDUNGAN HUKUM ATAS DATA WAJIB PAJAK DALAM SISTEM AUTOMATIC EXCHANGE OF INFORMATION (AEOI) STUDI PERBANDINGAN INDONESIA UNI EROPA."

personal data and information. Such safeguards can facilitate trade, trade and investment on a transnational basis.

4. Conclusion

The author offers many conclusions based on findings and conversations. although there were some problems with implementing AEOI as reviewed above, it ultimately resulted in the detection of tax evasion and increased revenue for governments, results that are particularly beneficial for governments in developing countries. In ensuring the security of taxation data as well as supporting good governance, the author emphasizes the importance of support and synergy with cyber security institutions, which will certainly be useful for maintaining the security of data held by tax authorities.

Related the development strategy national level in developing cyber-security in Indonesia in the future it will be done by meeting the four fundamentals that support developments in information technology, Including cyber-security improvements, namely: software development such as technology and implementation and development hardware development center and information technology infrastructure, management content (content management), communication and networking, the development of the internet and do business online or on the internet. Apart from fulfilling the four basic principles development of cyber-security other steps What is necessary is unity related to technology information from payment for four The main items are: first, the information system (Information systems) and second, competition organization (competition organization); third, information systems (Information systems) and organizational decision making (information systems and organizational decision making); fourth, the development of the system data (the organization uses the data systems).

There are numerous international legal frameworks that govern personal data protection and privacy. The current generation of national data protection regulations are built on these tenets. The Organization for Economic Co-operation and Development offers one of the international instruments that protects personal information and privacy (OECD). The international organization has issued a non-binding privacy policy but it has long been recognized as a framework for OECD member states to set privacy protection standards.

The application of data protection rules in this instance of the Indonesian government is currently seen as ineffectual. In the idea of protecting personal data, it is expected that there will be stricter and more laws based on culture, business, and politics and promote values or standards, ethics, and beliefs, as well as hope that the law does so. Do not trade after technology and information advances. In this case, in addition to requiring protection or warning from everyone to protect their data, the government and service providers must establish proof that provides clarification in accordance with the law.

Government should play an important role in preventing the violation of personal data usage, in addition to harmonizing laws and regulations, strengthening law enforcement agencies to avoid the effect of interfering with one law and others, coordination of authorities, police. Law, immigration law. Regarding the things mentioned above, the researcher has declared that there is a need to create a structure that makes the punishments of crimes in their law as an influence.

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