

# Application of Pancasila Ethics in Communicating in Digital Media (Anticipation of Law Number 11 of 2008 concerning with ITE)

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**ABSTRACT:** The purpose of this study is to describe the urgency of ethics in communicating in digital media as a manifestation of the character of the Indonesian nation based on Pancasila. Since the global effect of globalization that the lives of today's young generation cannot contain, like the development of technology facilities based on IT, internet or networks. Most of the younger generation now have more convenience on materially, financially and time, to be able to access the internet easily, quickly, without knowing regional boundaries, even everything in any part of the world can be accessed. Advances in sophisticated information technology have brought changes in the language of communication or the content used in global IT associations, so that the communication language of the younger generation is far from the values of Pancasila. Even without realizing that these contents have violated the legal norms and ethics of the ITE Law. This the younger generation must be able to create digital content that does not violate the norms and ethics of Pancasila in the UUIE and avoid violations of communication ethics on Social Media.

**KEYWORDS:** Pancasila Ethics, Communication, ITE.

## I. INTRODUCTION

In this globalization era what is called "Accounts on Facebook, Twitter, Path, Instagram, Youtube", and others to prove to the world that the present generation exists and as a digital generation that always uses Google, Yahoo, or other search engines, so that digital learning skills are much faster because all the information is at their hands. However, the problem now is the lack of knowledge

about communication skills accordance to the rules of the digital world in Indonesia and contrary to the values of Pancasila. So in practice, messages that are expected to build good image turn into bad image. This happens because the uploaded content is not in accordance with the values of Pancasila, some even violate the applicable legal norms, namely Law Number 11 of 2008 concerning ITE (Electronic Information and Transactions).

Law 2008 Number 11 concerning Information and Electronic Transactions (UU ITE) regulates information and electronic transactions, or information technology in general. This ITE Law has jurisdiction that applies to everyone who carries out legal actions as regulated in the ITE Law, both within the territory of Indonesia and outside the jurisdiction of Indonesia, which has legal consequences within the jurisdiction of Indonesia and/or outside the jurisdiction of Indonesia. and harm the interests of Indonesia.

The government enacted Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), which was specifically made to ensure security for information technology users and create clear standards, so that everyone does not do the practices of using information technology that are prohibited by the ITE Law.

With the development of fast and global in communication technology, as a nation that has Pancasila as a Way of Life and with the ITE Law number 11 of 2008 it is obligatory to know, understand and implement the ITE Law. Thus: (1) Why should everyone know and implement the ITE Law?; (2) What actions are prohibited in the ITE Law and what are the sanctions for violators of the ITE Law?; (3) What is the ethics of communication in social media to avoid the threat of punishment or

sanctions?; and (4) How to apply the Pancasila Ethics in the ITE world?

## II. METHODOLOGY

The method used in this research was descriptive qualitative literature study, using data sources of applicable regulations, books and relevant scientific research (Sugiyono, 2012).

The approach used in this research was a normative juridical approach, an approach that seeks to synchronize the applicable legal provisions in relation to the application and protection of the law as regulated in the ITE Law and the legal sanctions related to unlawful acts in social media. (Asofa, 2001).

This study used the following data sources:

1) Primary legal materials, including: a) Law Number 11 of 2008 concerning Information and Electronic Transactions; b) Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions; c) the Criminal Code (KUHP); and d) Law Number 8 of 1981 concerning Criminal Procedure Code. And Secondary Legal Materials in the form of supporting and complementary references for primary sources obtained through literature study, in the form of books, literatures, opinions of experts related to this research (Sugiyono, 2012).

To collect the data referred to above, literature study techniques were used by searching, recording, taking inventory, analyzing, and studying data in the form of library materials (Noeng, 2000).

After the data has been collected, it was then analyzed using qualitative analysis methods and critical analysis. Qualitative was a data analysis method in the form of a description of the articles and paragraphs in the ITE Law which were prohibited and the articles and paragraphs concerning the sanctions imposed on the violators of

the ITE Law. The critical analysis method is the interpretation of the text of articles and paragraphs contained in the ITE Law and addressing the meaning of the establishment and enactment of the ITE Law (Tobing, 2008) and punishment for violators of the ITE Law or criminal acts on social media.

## III. RESULT AND DISCUSSION

Why is it mandatory for everyone to know and understand Law of ITE Number 11 of 2008? Because: a) the ITE Law protects everyone who uses social media and at the same time provides punishment or penalty for those who give hoaxes, hatred, and discrimination; b) With the ITE Law, the state guarantees that it will give punishment for those who violate it, the aim is to be a deterrent, no longer disturb and make citizens panic; c) The ITE Law provides rules not to spread hoaxes, fake news, and hate speech; d) This ITE Law provides penalties for those who violate, the aim is to eliminate public panic; e) This ITE Law serves as a warning to those who spread hoaxes, fake news, and racial intolerance; f) This ITE Law reminds social media users not to easily believe, it must be found out before spreading it; and g) The ITE Law also provides legal protection for people who are victims of racism due to hatred on social media (Indonesia, 2008).

The actions that are prohibited in the ITE Law and things that need to be avoided when using social media so as not to violate the law and do not get legal sanctions regulated in the ITE Law, as the followings:

a. Illegal content containing politeness which is spread through electronic media (social media) can be punished, for violating the provisions of Article 27 paragraph (1) of the ITE Law and subject to the following penalties:

Acts Forbidden in Article 27 paragraph 1 ITE Law no. 11 Year 2008	Penalty for Violators of Article 27 paragraph 1 of UU ITE No. 11 of 2008 is regulated in Law no. 19 of 2016 Article 45 paragraph 1
(1) Any person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates morality (Indonesia, 2008).	(1) Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing content that violates decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah) (Indonesia, 2016).

Additional penalties apply. The weighting set forth in Article 52 paragraph 1 of Law No. 11 of 2008 is "In the case of a criminal act as referred to in Article 27

paragraph (1) concerning decency or sexual exploitation of children, the weight of one third of the principal crime is imposed (Indonesia, 2008).

b. Illegal content containing gambling that is spread through electronic media (social media) can be punished, for violating the provisions of Article 27 paragraph (2) of the ITE Law and with the following penalties:

Acts Forbidden in Article 27 paragraph 2 UU ITE no. 11 Year 2008	Penalty for Violators of Article 27 paragraph 2 of UU ITE No. 11 of 2008 is regulated in Law no. 19 of 2016 Article 45 paragraph 2
(2) Any person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content (Indonesia, 2008).	(2) Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing gambling content as referred to in Article 27 paragraph (2) shall be punished with imprisonment for a maximum of 6 (six) years and/or a maximum fine of Rp. 1.000.000.000,00 (one billion Rupiah) (Indonesia, 2016).

c. Illegal content containing insults and/or defamation spread through electronic media (social media) can be punished, for violating the provisions of Article 27 paragraph (3) of the ITE Law and with the following criminal penalty:

Acts Forbidden in Article 27 paragraph 3 UU ITE no. 11 Year 2008	Penalty for Violators of Article 27 paragraph 3 of the ITE Law No. 11 of 2008 is regulated in Law no. 19 of 2016 Article 45 paragraph 3
(3) Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing insults and/or defamation (Indonesia, 2008).	(3) Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing insults and/or defamation as referred to in Article 27 paragraph (3) shall be punished with imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million Rupiah) (Indonesia, 2016).

d. Illegal content containing extortion and/or threats spread through electronic media (social media) can be punished, for violating the provisions of Article 27 paragraph (4) of the ITE Law and with the following penalties:

Acts Forbidden in Article 27 paragraph 4 UU ITE no. 11 Year 2008	Penalty for Violators of Article 27 paragraph 4 of the ITE Law No. 11 of 2008 is regulated in Law no. 19 of 2016 Article 45 paragraph 4
(4) Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing extortion and/or threats (Indonesia, 2008).	(4) Any person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing extortion and/or threats as referred to in Article 27 paragraph (4) shall be subject to imprisonment a maximum of 6 (six) years and/or a maximum fine of Rp. 1.000.000.000,00 (one billion rupiah) (Indonesia, 2016).

- e. Spreading hoax and spreading information that causes hatred based on SARA that is spread through electronic media (social media) can be punished, for violating the provisions of Article 28 of the ITE Law and with the following penalties:

Acts Forbidden in Article 28 paragraph 4 UU ITE no. 11 Year 2008	Penalties for Violators of Article 28 UU ITE No. 11 of 2008 is regulated in Law no. 19 of 2016 Article 45 A
(1) Any person who intentionally and without rights spreads false and misleading news that results in consumer losses in Electronic Transactions (Indonesia, 2008).	(1) Any person who intentionally and without rights spreads hoax and misleading news that results in consumer losses in Electronic Transactions as referred to in Article 28 paragraph (1) shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1.000.000.000,00 (one billion rupiah)(Indonesia, 2016).
(2) Any person intentionally and without rights disseminates information aimed at creating feelings of hatred or hostility towards certain individuals and/or community groups based on ethnicity, religion, race, and inter-community (SARA) (Indonesia, 2008).	(2) Any person intentionally and without rights disseminates information aimed at creating feelings of hatred or hostility towards certain individuals and/or community groups based on ethnicity, religion, race, and inter-community (SARA) as referred to in Article 28 paragraph (2) shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah) (Indonesia, 2016).

- f. Illegal content containing threats of violence or intimidation directed at personally distributed through electronic media (social media) can be punished, for violating the provisions of Article 29 of the ITE Law and with the following penalties:

Acts Forbidden in Article 29 paragraph 4 UU ITE no. 11 Year 2008	Penalty for Violators of Article 29 of UU ITE No. 11 of 2008 is regulated in UU no. 19 of 2016 Article 45 B
Any person who intentionally and without rights sends Electronic Information and/or Electronic Documents that contain threats of violence or intimidation aimed at personally (Indonesia, 2008).	Any person who intentionally and without rights sends Electronic Information and/or Electronic Documents that contain threats of violence or intimidation aimed at personally as referred to in Article 29 shall be sentenced to a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah) (Indonesia, 2016).

- g. Illegal access can be subject to criminal penalties based on Article 30 paragraph 1 to paragraph 3 of the ITE Law with the following penalties:

Prohibited Acts Article 30 paragraphs 1 to 3 Electronic Information and Transaction Law no. 11 Year 2008	Penalties for Violators of Article 30 paragraphs 1 to 3 of the ITE Law No. 11 of 2008 subject to Article 46 paragraphs 1 to 3
(1) Any person intentionally and without rights or against the law accesses Computers and/or Electronic Systems belonging to other Persons in any way (Indonesia, 2008).	(1) Everyone who fulfills the elements as referred to in Article 30 paragraph 1 shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 600,000,000.00 (six hundred million rupiah) (Indonesia, 2008).
(2) Any person intentionally and without rights or against the law accesses a Computer and/or Electronic System in any way with the aim of obtaining Electronic Information and/or Electronic Documents (Indonesia,	(2) Everyone who fulfills the elements as referred to in Article 30 paragraph 2 shall be sentenced to a maximum imprisonment of 7 (seven) years and/or a maximum fine of Rp. 700,000,000.00 (seven hundred million rupiah) (Indonesia, 2008).

2008).

(3) Any person intentionally and without rights or against the law accesses a Computer and/or Electronic System in any way by violating, breaking through, exceeding, or breaking into the security system (Indonesia, 2008).

(3) Everyone who fulfills the elements as referred to in Article 30 paragraph (3) shall be sentenced to a maximum imprisonment of 8 (eight) years and/or a maximum fine of Rp. 800,000,000.00 (eight hundred million rupiah) (Indonesia, 2008).

h. Illegal interception can be subject to criminal penalties under Article 31 paragraphs 1 and 2 of the ITE Law with the following penalties:

Acts Forbidden in Article 31 paragraph 4 UU ITE no. 11 Year 2008	Sanksi bagi Pelanggar Pasal 31 ayat 1 dan 2 UU ITE No. 11 Tahun 2008 dikenakan pasal 47
(1) Any person who intentionally and without rights or against the law intercepts or intercepts Electronic Information and/or Electronic Documents in a certain Computer and/or Electronic System belonging to another Person (Indonesia, 2008).	Everyone who fulfills the elements as referred to in Article 31 paragraph (1) or paragraph (2) shall be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 800,000,000.00 (eight hundred million rupiah) (Indonesia, 2008).
(2) Any person who intentionally and without rights or against the law intercepts the transmission of Electronic Information and/or Electronic Documents that are not public from, to, and within a certain Computer and/or Electronic System belonging to another Person, whether not cause any changes or cause changes, disappearances, and/or termination of Electronic Information and/or Electronic Documents that are being transmitted (Indonesia, 2008).	

i. Interference on data can be subject to criminal penalties under Article 32 of the ITE Law with the following penalties:

Prohibited Actions Article 32 paragraphs 1 to 3 of the ITE Law No. 11 Year 2008	Penalties for Violators of Article 32 paragraphs 1 to 3 of the ITE Law No. 11 of 2008 is subject to article 48 paragraphs 1 to 3
(2) Any person intentionally and without rights or against the law in any way alters, adds, reduces, transmits, damages, removes, transfers and hides an Electronic Information and/or Electronic Document belonging to another Person or to the public (Indonesia, 2008).	(1) Everyone who fulfills the elements as referred to in Article 32 paragraph (1) shall be sentenced to a maximum imprisonment of 8 (eight) years and/or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah) (Indonesia, 2008).
(4) Any person intentionally and without rights or against the law in any way transfers Electronic Information and/or Electronic Documents to the Electronic System of another person who is not entitled to (Indonesia, 2008).	(2) Everyone who fulfills the elements as referred to in Article 32 paragraph (2) shall be sentenced to a maximum imprisonment of 9 (nine) years and/or a maximum fine of Rp. 3,000,000,000.00 (three billion rupiah) (Indonesia, 2008).
(5) The actions as referred to in paragraph (1) that result in the disclosure of an	(2) Everyone who fulfills the elements as referred to in Article 32 paragraph (3) shall be sentenced to a

Electronic Information and/or Electronic Document which is confidential in nature to be accessible to the public with improper data integrity (Indonesia, 2008).	maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah) (Indonesia, 2008).
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j. Interruption to the system (system interference) may be subject to criminal penalties under Article 33 of the ITE Law with the following penalties:

Acts Forbidden in Article 33 paragraph 4 UU ITE no. 11 Year 2008	Penalties for Violators of Article 33 ITE Law No. 11 of 2008 subject to article 49
Any person who intentionally and without rights or against the law takes any action that results in disruption of the Electronic System and/or causes the Electronic System to not work properly (Indonesia, 2008).	Everyone who fulfills the elements as referred to in Article 33, shall be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah) (Indonesia, 2008).

k. Misuse of devices can be subject to criminal penalties under Article 34 of the ITE Law with the following penalties:

Actions Prohibited in Article 34 paragraph 1 of UU ITE No. 11 Year 2008	Penalties for Violators of Article 34 paragraph 1 ITE Law No. 11 of 2008 is subject to article 50
(1) Any person who intentionally and without rights or unlawfully produces, sells, supplies for use, imports, distributes, provides, or owns a. Computer hardware or software designed or specifically developed to facilitate the actions as referred to in Article 27 to Article 33; b. Password through Computer, Access Code, or something similar with the aim of making the Electronic System accessible with the aim of facilitating the actions as referred to in Article 27 to Article 33 (Indonesia, 2008)	Everyone who fulfills the elements as referred to in Article 34 paragraph (1) shall be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah) (Indonesia, 2008).

What is the ethics of communication in social media to avoid the threat of punishment or Penalties? The ethics of communication in social media to avoid the threat of punishment or Penalties, as the following:

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| a) | Knowing the rules regarding actions that are prohibited in the ITE Law, such as before using social media, users must know the allowed and prohibited rules in the Information and Electronic Transactions Law or the ITE Law (Santoso, 2018).   |
| b) | Understand the age limit of social media users<br>A number of social media have set a minimum limit for social media users, for example 13 years for Facebook and Instagram, while Twitter sets the minimum age for users to be 15 years (Santoso, 2018).  |
| c) | Give attention to what will be Uploaded<br>Social media users are also expected to be smart in sorting out personal things to upload. Don't share personal things on social media. This can be used by criminals as a loophole to commit crimes by knowing their daily habits and activities through social media (Santoso, 2018). |
| d) | Filtering before sharing. When receiving information on a chatting platform, the public is expected to be able to ask the truth of the information and not to forward it on to others(Santoso, 2018).  |
| e) | By using language politely, as the followings:   |

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- (1) Do not say harsh, provocative, pornographic or offensive words dealing with Ethnicity, race and religion
  - (2) Do not upload or share HOAX statuses, or false news without facts
  - (3) Do not upload or share inappropriate or pornographic and violent photos (Gelgel, 2017).
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- f) In using social media:
- (1) Don't often reveal personal status that should be a secret
  - (2) Do not copy anything that is copyrighted, because if it is careless done, it will result in lawsuits
  - (3) If you want to express an opinion, it must be based on facts
  - (4) Don't fight or argue on social media
  - (5) With ITE accessible by various parties, it is better to pay attention to the confidentiality of important personal information
  - (6) Do not use social media to complain about work, boss or other sensitive matters
  - (7) Don't be provoked by provocative comments
  - (8) If there is a difference of opinion, it is wise to know when to stop arguing
  - (9) Not excessive in editing photos, because they can be misinterpreted or misused by irresponsible parties (Gelgel, 2017)
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- g) Steps to use social media:
- (1) Use as needed for good things
  - (2) Maintaining the attitude and ethics of politeness and courteous language towards the interlocutor also needs to be applied, so as not to offend the other person's feelings on social media
  - (3) Follow valuable and accountable information
  - (4) Take advantage of social media as much as possible, because social media can be an effective market to showcase skills, abilities and creativity (Indonesia, 2016).
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- h) Applying the Pancasila Ethics in the ITE world:
- (1) The Precept of "Belief in the one and only God."  
The application of the first precept, Belief in the one and only God in the life of ITE is by not spreading Ethnicity, race, religion and hate issues, fostering harmony in carrying out religious duties, anti-blasphemy, and respecting religious differences, and being tolerant in carrying out religious duties by being or being tolerant and with ITE can post pictures -pictures of the beauty of harmony in carrying out religious duties in the motherland of Indonesia. So that good relations between religious people are maintained second precept "Just and Civilized Humanity"
  - (2) The second precept "Just and Civilized Humanity"  
The application of the second precept in the use of ITE is to respect and respect the rights and opinions of others, by not spreading hoax news that can interfere with the rights of others and also not blaspheming others, or spreading false information that causes panic and mass fear, respecting and respect the rights and opinions of others, then others will respect our rights and opinions
  - (3) The third precept "Unity of Indonesia"  
In a country with various ethnic groups, culture with the motto "Bhinneka Tunggal Ika" which means diversity in unity "Indonesia". So the use of ITE is to uphold unity and not to spread issues of disunity, so that national integration is maintained. Even as an Indonesian nation who loves the homeland and respects diversity, ITE can introduce to the international world the prosperity of customs, dance culture, musical arts and musical instruments, as well as traditional houses, and traditional clothes of Indonesian.
  - (4) The fourth precept "Democracy, led by the wisdom of the representatives of the people"  
The application of this fourth precept is to get used to healthy and directed democratic behavior, realized by the use of ITE by not writing malicious comments and cornering other parties, not provoking hate issues related to decisions made by the government, using ITE wisely in filtering information, and accept all decisions resulting from deliberation gracefully, prioritize deliberation for consensus, respect and implement the results of deliberation, and respect the opinions of others
  - (5) The fifth precept "Social Justice for All Indonesian People"  
The application of ITE in social justice for all Indonesian people, is realized by using ITE while respecting the human rights of others, working hard to be able to become someone who is creative and innovative by respecting the rights of others, cares about the environment, cares
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about social issues, and works together. royong in building the beloved country of Indonesia (Mulyana, 2014)

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#### IV. CONCLUSION

The Law on Information and Electronic Transactions (abbreviated as UU ITE) or Law number 11 of 2008 is a law that regulates information and electronic transactions, or information technology in general. The ITE Law has jurisdiction that applies to everyone who commits legal actions and the penalties for those who violate it, as regulated in the ITE Law, both within Indonesian territory and outside Indonesia jurisdiction, which have legal consequences in Indonesia jurisdiction and/or outside the jurisdiction of Indonesia and detrimental to the interests of Indonesia. Therefore, it is mandatory to know, understand and implement the ITE Law if you do not want to get legal sanctions.

As an Indonesian citizen who adheres to Pancasila in the pattern of thought, attitude and pattern of action, it is necessary to be UNDERSTAND THE LAW whenever and wherever it exists. Especially for the millennial generation as the next generation of the Indonesian nation in using social media as a means of socializing and in communicating the values of Pancasila in everyday life, so that Pancasila as the basis of the state and the way of life of the Indonesian nation remains alive in the mindset, attitude and pattern of action. Every Indonesian human being as an Indonesian society and as an Indonesian citizen wherever he is.

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