



LEGAL REVIEW OF CONSUMER PROTECTION REGARDING INFORMATION CROWDSOURCING ON THE GETCONTACT APPLICATION IN INDONESIA

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Abstract:

Information crowdsourcing is a method of gathering information from a large number of individuals who contribute voluntarily, often through digital platforms. One application that utilizes information crowdsourcing is Getcontact, which allows users to find out information about the owner of a phone number based on data contributions from other users. However, the use of information crowdsourcing in this application raises various legal issues, especially related to consumer protection and personal data privacy. This research aims to examine the application of crowdsourcing in the Getcontact application from the perspective of consumer protection law in Indonesia. The research method used is normative juridical with a statutory approach and analysis of related regulations. The results of the study indicate that the information crowdsourcing mechanism in Getcontact has the potential to violate consumer rights to the confidentiality of personal data as regulated in the Republic of Indonesia Law Number 8 of 1999 concerning Consumer Protection, Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016 concerning 1 Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions 2 and Regulation of the Minister of Communication and Information Technology Number 20 of 2016 concerning Protection of Personal 3 Data in Electronic Systems. 4 Firm action is needed from the government, especially the Ministry of Communication and Information Technology, to supervise and enforce the law to protect consumers from potential misuse of personal data.

Keywords:

Consumer Protection, Information Crowdsourcing, GetContact.

Introduction

The advancement of information technology has brought significant changes to various aspects of human life, including the provision of digital application-based services (Nicholas G. Carr,

2008). One innovation that has garnered attention is the GetContact application, which allows users to identify the name of a phone number owner based on data contributions from other users through a crowdsourcing mechanism. Information crowdsourcing, as a method, relies on the participation of the public to collect, process, and share information collectively. In the context of GetContact, the data collected and shared includes the names and phone numbers of users, uploaded voluntarily by other users (Jeff Howe, 2008).

However, behind the convenience it offers, the use of the information crowdsourcing mechanism in the GetContact application raises various issues, particularly in terms of consumer protection. One major concern is the potential violation of consumers' rights to privacy and personal data protection. Article 4 of Law No. 8 of 1999 concerning Consumer Protection of the Republic of Indonesia stipulates that consumers have the right to comfort, security, and safety in using goods or services. Furthermore, Article 15 of Regulation No. 20 of 2016 issued by the Minister of Communication and Informatics regarding Personal Data Protection in Electronic Systems emphasizes the importance of explicit consent from the data owner before the data is used or shared.

The GetContact application often accesses and shares users' personal data without adequate consent, where data uploaded by other users can be accessed by third parties (Mark Taylor, 2023). This poses risks of personal data misuse, such as fraud, spam, or other criminal activities, which harm consumers. Additionally, the lack of transparency from the application's management regarding user data management further exacerbates concerns about consumer rights protection (Karen Yeung, et al, 2021).

From a legal perspective, the information crowdsourcing mechanism in the GetContact application presents a dilemma between the benefits it offers and the potential violations of consumer rights. On one hand, the application provides convenience in identifying phone number owners, which can be used for validation or security purposes. On the other hand, the application operates in a manner that may violate consumer protection and personal data laws in Indonesia.

To date, regulations related to consumer protection in Indonesia have not fully addressed the challenges posed by the development of digital technology, including applications based on information crowdsourcing like GetContact. The lack of oversight from authorities over applications that utilize users' personal data is also a pressing issue that requires serious attention (Irwansyah, 2021).

Based on this background, this research is important to examine the implementation of the information crowdsourcing mechanism in the GetContact application from the perspective of consumer protection law in Indonesia. This research is expected to provide a deeper understanding of potential violations and offer relevant recommendations to protect consumers in an increasingly complex digital era (Mark A. Lemley, 2013).

Research Methods

The research method used is normative juridical with a statutory and regulatory analysis approach. The research results indicate that the information crowdsourcing mechanism in GetContact has the potential to violate consumers' rights to personal data confidentiality as regulated in Law No. 8 of 1999 concerning Consumer Protection of the Republic of Indonesia,

Law No. 11 of 2008 concerning Electronic Information and Transactions as amended by Law No. 19 of 2016 concerning the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions, and Regulation No. 20 of 2016 issued by the Minister of Communication and Informatics regarding Personal Data Protection in Electronic Systems.

Analysis And Discussion

Consumer Protection Concept

In general, consumer protection refers to all efforts to ensure legal certainty in providing protection to consumers, encompassing fundamental rights possessed by consumers such as the right to information, security, compensation, the right to choose and to be heard, as well as other rights held by consumers in their relationship with business actors (Umar et al., 2023). Law No. 8 of 1999 concerning Consumer Protection serves as an important legal basis for consumer protection in Indonesia, where the legislation regulates the rights and obligations of consumers and business actors in trade transactions. As stated in Article 1 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection, consumer protection is defined as 'all efforts that ensure legal certainty to provide protection to consumers.' The interpretation of this article indicates that the state has an obligation to ensure that consumers' rights are respected and protected by business actors. In this context, consumer protection also relates to the security, comfort, and safety of consumers in using or consuming goods or services provided by business actors to consumers. According to Aristotle's theory of justice, which distinguishes between distributive justice and retributive justice, the application of Article 1 paragraph (1) of the Consumer Protection Law should at least guarantee that consumers receive their rights fairly in proportion to their transactions. Furthermore, if there is a violation of the provisions of this article, it is only appropriate that business actors be sanctioned in accordance with the applicable laws and regulations (Mark A. Lemley, 2013). Meanwhile, John Rawls, with his theory of social justice, emphasizes that the law, in this case consumer protection, must be able to provide protection for the more vulnerable party, namely consumers. In business transactions, for example, consumers are often in a weaker position compared to business actors. Therefore, the state, represented by the government, is obligated to ensure legal certainty for consumers so that they are not disadvantaged (J. Rawls, 1985).

Similarly, Gustav Radbruch, in his theory on legal certainty, the utility of law, and legal justice, aligns with John Rawls. When linked to the provisions of Article 1 paragraph (1) of the Consumer Protection Law, consumer protection also means that the rights of consumers are not merely recognized in theory but are supported by clear protection mechanisms that can be enforced according to the law. For example, a concrete example is the establishment of the National Consumer Protection Agency as an effort to address the dynamics and needs of consumer protection (Sekar Balqis Safitra R, 2024). In line with Gustav Radbruch's views, the theory of consumer protection law is also discussed by Philip Kotler and Muhammad Erwin. According to Philip Kotler, consumer protection is part of business ethics that requires business actors to provide clear and transparent information about safe products and reasonable pricing. Meanwhile, Muhammad Erwin, in his book '*Hukum Perlindungan Konsumen*' (Consumer Protection Law), emphasizes that consumer protection should at least include preventive measures related to regulations that prevent business actors from engaging in fraudulent practices, as well as repressive measures that encompass the legal rights and remedies available to consumers if their rights are violated.

Friedrich Carl von Savigny, in his contract theory, also provides insights related to consumer protection. According to von Savigny, the law must be able to consider and address social relationships within society. In the business world, for example, the relationship between consumers and business actors is a contract that must be based on the principle of good faith (Ari Purwadi, 2016). Article 1 paragraph (1) of the Consumer Protection Law also emphasizes that consumer protection aims to ensure that business actors act in good faith in their business practices, providing goods or services that meet safety and quality standards.

Considering the various perspectives and theories put forth by several legal scholars, it can be observed that consumer protection is one of the fundamental aspects in the development of modern economic law. In increasingly complex market interactions, both directly and indirectly, consumers often find themselves in a weaker position compared to businesses (Faisal, A & Lamijan, 2023). Therefore, it is important for the state, as a policymaker, to ensure consumer rights through its legal instruments, thereby establishing justice, legal certainty, and protection against potential losses due to unhealthy business practices (Sudanto, et al. 2022).

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Considering that consumer protection is an important concern, the objectives and principles of consumer protection should be clearly elaborated. Article 3 of the Consumer Protection Law, for instance, elaborates on the objectives of consumer protection with the underlying premise that consumer protection should at least include: increasing consumer awareness, capability, and independence to protect themselves; upholding dignity by avoiding and minimizing exposure to goods and/or services that could harm consumers; enhancing consumer empowerment in choosing, determining, and claiming their rights as consumers; and creating a consumer protection system that embodies legal certainty, transparency, and access to information.

In consumer protection, there are rights and obligations for both consumers and businesses. This regulates the position of each party in the transactional activities of a business. Article 4 of the Consumer Protection Law, for example, provides an explanation of consumer rights. These rights include, among others: the right to comfort, safety, and security in consuming goods and/or services; the right to choose and obtain goods or services in accordance with their exchange value and the conditions and guarantees agreed upon; the right to accurate, clear, and honest information; the right to express opinions and complaints; the right to advocacy, protection, and proper dispute resolution efforts; the right to consumer guidance and education; the right to be treated or served correctly and honestly; and the right to receive compensation or indemnification for damages.

Aside from regulating rights, the Consumer Protection Law also regulates obligations for consumers (Article 5) and obligations for businesses (Article 7). Consumer obligations, as stipulated in Article 5 of the Consumer Protection Law, specify that consumers are obligated to read and follow information instructions before purchasing goods or services, act in good faith in transactions, pay according to the agreed value, and follow all proper consumer dispute resolution efforts (if a dispute arises due to the use of goods or services). Furthermore, Article

7 of the Consumer Protection Law regulates the obligations of businesses, which include: the obligation to act in good faith in their business activities, provide accurate, clear, and honest information regarding the goods or services offered, ensure the quality of goods or services, provide opportunities for consumers to test or try goods or services, and provide compensation, indemnification, or replacement for consumer losses caused by the goods or services offered. Regarding the principles of consumer protection, Article 2 of the Consumer Protection Law provides an overview of these principles, which include: the principle of benefit (providing the greatest possible benefit for consumers); the principle of justice (all parties, both consumers and businesses, are treated fairly); the principle of balance (balance between the rights and obligations of consumers and businesses); the principle of safety and security (guaranteeing safety and security for consumers); and the principle of legal certainty (clear and optimally enforceable regulations).

The Principles Of Consumer Protection According To Law No. 8 Of 1999 Concerning Consumer Protection

As previously explained, Law No. 8 of 1999 concerning Consumer Protection outlines various principles that serve as the foundation for protecting consumer rights. Additionally, the Consumer Protection Law ensures a balanced composition between business actors and consumers. This aims to create a fair, transparent, and secure trading system for all elements of society. The Consumer Protection Law also embodies principles that guarantee consumer protection, including the principle of benefit, the principle of justice, the principle of balance, the principle of consumer safety and security, and the principle of legal certainty.

Regarding the principle of benefit, this principle emphasizes that policies, regulations, and consumer protection efforts must provide the greatest benefit to both consumers and business actors as a whole. The benefit for consumers refers to ensuring that consumers gain advantages from the protection provided and guaranteed by the Consumer Protection Law. This includes safety and security, clear information about goods and services, the right to choose goods and services that meet their needs and desires, the right to be heard when consumers voice complaints and aspirations regarding the products and services they use, as well as compensation for consumers due to the use of goods and services. On the other hand, for business actors, the aspect of benefit provides legal certainty in running their businesses, healthy competition among business actors, and a positive image from consumers regarding the quality of goods and services (Mohd. Yusuf Daeng M, et. al, 2024).

The next principle of consumer protection is the principle of justice, which is based on the prohibition of discrimination by business actors against consumers based on ethnicity, religion, race, or social group. Additionally, this principle mandates the provision of clear information to ensure that consumers can make informed decisions about choosing and purchasing products based on accurate information from business actors. For example, in the case of a contract, the terms of a standard agreement should be drafted in a balanced manner and should not disadvantage consumers. This way, potential consumer losses arising from standard agreements can be avoided (Ahmad Miru, 2017).

Similar to the previous principles of protection, the principle of balance is equally important in ensuring consumer protection. The principle of balance involves maintaining a proportional equilibrium between the interests of business actors and consumers. It also encompasses the balance of rights and obligations, where both business actors and consumers have rights and

responsibilities. Consumers have the right to protection and the obligation to act responsibly, while business actors have the obligation to fulfill consumer rights and the right to earn a reasonable profit. In this regard, the government also plays a crucial role in creating and maintaining a balance between the interests of consumers and business actors through regulations and oversight of consumer protection.

In using goods and services to achieve consumer protection, the principle of consumer safety and security is also essential. This principle covers product safety to ensure that the goods and services offered by business actors do not endanger the safety or health of consumers. It also includes safety standards that are free from risks that could potentially harm consumers. The safety of product use, which is also part of this principle, emphasizes the security of consumers when using goods and services provided by business actors. In this context, consumers should be provided with clear and complete information on how to use products safely and correctly (Anak Agung Sagung Ngurah Indradewi, 2020).

The next principle of consumer protection in the Consumer Protection Law is the principle of legal certainty, which encompasses clarity of law through legislation. In this case, the Consumer Protection Law must be formulated clearly and be easily understood. This ensures that both consumers and business actors can clearly understand their respective rights and obligations. The scope of the principle of legal certainty also includes legal consistency, where the application of the law in consumer protection must be carried out consistently to create a sense of security and ensure consumer trust in business actors. Essentially, this principle protects both consumers and business actors from arbitrary law enforcement that could impact consumer protection efforts (Sutan Pinayungan Siregar, 2024).

Information Crowdsourcing in GetContact Application

Discussing the recent development of information crowdsourcing, particularly in Indonesia, which is closely related to the utilization of information technology, the most fundamental aspect to understand is the definition of information crowdsourcing itself. Information crowdsourcing is defined as the process of collecting, processing, and utilizing information from a large group of individuals through digital platforms or other collective resources. This concept involves voluntary contributions from the public to provide data, opinions, or solutions on a specific topic (Darren C. Abraham, 2013). Jeff Howe, the person who first introduced the term crowdsourcing, defines it as:

'The act of taking a job traditionally performed by a designated agent (usually an employee) and outsourcing it to an undefined, generally large group of people in the form of an open call (Jeff Howe, 2008).'

In the context of information crowdsourcing, the information provided is collected from many people with diverse backgrounds, either directly or through digital platforms, such as social media, websites, or specialized applications like the GetContact app.

Information crowdsourcing has important aspects that can influence its effectiveness, validity, and impact on individuals or groups. These aspects include technology, which is a key component in the collection, dissemination, and validation of information in information crowdsourcing. This involves internet-based platforms, social media, and artificial intelligence (AI) that facilitate public participation in contributing information. In addition to the

technological aspect, collective public participation involving many people contributing, real-time information collection, and the management of gathered information can also affect the accuracy and efficiency of information crowdsourcing (Darren C. Abraham, 2013).

The application of information crowdsourcing is also found in the GetContact digital application. GetContact is an application or platform that allows users to identify unknown phone numbers and block spam calls. The way GetContact works is by collecting information from other mobile phone users who have saved specific phone numbers with various tags or labels. One of the main features of GetContact is crowdsourced caller identification, where information about phone numbers is collected from the databases of other users. This indicates that GetContact implements information crowdsourcing, as the data is sourced from the voluntary contributions of multiple mobile phone users.

The way the GetContact application works begins with several mobile phone users contributing by tagging, labeling, or naming contacts in their respective contact lists. This information is then stored in the GetContact application's database. When a new user installs the GetContact application and agrees to the terms, the application will automatically synchronize the user's contact list into the GetContact database. The synchronized data in the database includes phone numbers and contact names provided by one user or other users. The next step is that the GetContact application collects tags or names given by various users for the same phone number. All related tags are gathered and displayed by the GetContact application. Additionally, the GetContact application features an unknown caller identification function, which uses information crowdsourcing from other users' databases to identify unknown numbers. Another feature in the GetContact application is community-based spam blocking, where users can report a number categorized as spam. If a phone number receives multiple reports, it will be added to the community blacklist.

Legal Review of Consumer Protection Regarding Information Crowdsourcing in the GetContact Application

Taking a brief look at the GetContact application, which uses information crowdsourcing, it can be understood that there are several aspects that can be analyzed from the perspective of consumer protection law. These include issues related to data privacy, transparency of information, and the potential violation of consumer rights. When examining how the GetContact application operates, it is possible that potential legal violations could arise, impacting consumers. The GetContact application requests access to users' contact lists without clearly stating that the collected data will be uploaded to the GetContact server and shared with other users. Upon closer inspection, the owners of the phone numbers stored in the database never provided direct consent for their information to be included in the GetContact system. From this data collection process, it is clear that the GetContact application violates the provisions of Article 20 of Law No. 27 of 2022 concerning Personal Data Protection, which stipulates that any processing of personal data must obtain explicit consent from the data owner. Additionally, Article 26 of Law No. 27 of 2022 concerning Personal Data Protection explains that the use of personal information without consent can be considered a violation of privacy rights. Therefore, it is possible that consumers could be harmed as their phone numbers and identities are widely disseminated without consent, risking data theft and misuse of information.

In processing data, the GetContact application also does not clearly explain to consumers, in this case, users, that using the application means sharing their contacts with the GetContact server. There is also no explicit option for phone number owners to request the deletion of their information. This process clearly violates the provisions of Article 4(c) of Law No. 8 of 1999 concerning Consumer Protection, which states that consumers have the right to clear and honest information about the services they use. Article 15 of Law No. 27 of 2022 concerning Personal Data Protection also stipulates that every data controller must provide information on how data is collected and processed. This clearly impacts many users who are unaware of the consequences of granting access to their contacts. Most severely, even mobile phone owners who do not use the GetContact application are affected without their consent.

Another important issue with the use of the GetContact application is that other users can assign negative tags to a mobile phone number without clear verification, and there is no strict control mechanism to ensure that the labels given are based on factual information. This clearly violates the provisions of Article 27(3) and Article 28(1) of Law No. 11 of 2008 concerning Electronic Information and Transactions, as amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), which prohibit the distribution of information that can defame someone or spread misleading information that may cause harm to others. The impact on consumers, in this case, users, is that mobile phone owners can suffer harm as their reputation is tarnished without valid evidence, and there is potential for misuse by individuals seeking to harm others by assigning negative tags.

Conclusion

The GetContact application, an innovation leveraging information crowdsourcing, allows users to identify unknown phone numbers by collecting and sharing contact data contributed voluntarily by other users. While offering convenience in identifying callers and blocking spam, this mechanism raises significant consumer protection concerns, particularly regarding privacy and personal data. Indonesian laws, such as Law No. 8 of 1999 on Consumer Protection and Law No. 27 of 2022 on Personal Data Protection, emphasize consumers' rights to comfort, security, and explicit consent for data usage. The application's practice of accessing and sharing user contact lists without clear and adequate consent, coupled with a lack of transparency in data management, potentially violates these rights. This exposes users to risks like data misuse, fraud, and spam, highlighting a dilemma where convenience clashes with legal obligations and consumer well-being.

From a legal standpoint, the GetContact application's operations potentially breach several Indonesian consumer protection and data privacy regulations. Its method of collecting and processing user contacts without explicit consent from the data owners contradicts Article 20 and Article 26 of Law No. 27 of 2022 concerning Personal Data Protection. Furthermore, the lack of transparent information about data sharing and the absence of an option for phone number owners to delete their information may violate Article 4(c) of Law No. 8 of 1999 on Consumer Protection and Article 15 of Law No. 27 of 2022 on Personal Data Protection. The application's feature allowing users to assign unverified negative tags to phone numbers also raises concerns under Article 27(3) and Article 28(1) of the ITE Law, as it could lead to defamation and reputational harm without factual basis. This research, utilizing a normative juridical approach, aims to provide a deeper understanding of these potential violations and offer recommendations for better consumer protection in the digital era.

Acknowledgement

This research paper, titled "Legal Review of Consumer Protection Regarding Information Crowdsourcing in the GetContact Application," delves into the intricate relationship between technological innovation and consumer rights, particularly within the context of digital application-based services. The foundational concepts discussed, from Nicholas G. Carr's insights into information technology's impact to Jeff Howe's seminal definition of crowdsourcing, provide a robust framework for understanding the GetContact application's operational model. The paper meticulously highlights how GetContact, while offering convenience in caller identification through crowdsourced data, simultaneously presents significant challenges concerning consumer protection. Specifically, it underscores potential violations of privacy and personal data protection rights, citing crucial Indonesian legal frameworks such as Law No. 8 of 1999 on Consumer Protection and Regulation No. 20 of 2016 from the Minister of Communication and Informatics. The work emphasizes the critical need for explicit consent in data processing, a principle seemingly overlooked by the application, leading to risks of misuse like fraud, spam, and other criminal activities, as well as a concerning lack of transparency in data management, echoing the concerns raised by Mark Taylor and Karen Yeung et al. The research further explores the legal complexities inherent in the GetContact application's crowdsourcing mechanism, presenting a dilemma between its utility and potential infringements on consumer rights. It critically examines the current regulatory landscape in Indonesia, pointing out its inadequacy in addressing the rapid advancements in digital technology and the insufficient oversight of applications utilizing personal data, as observed by Irwansyah. The paper's commitment to providing a deeper understanding of these potential violations and offering relevant recommendations for consumer protection in the digital era, drawing on the insights of scholars like Mark A. Lemley, is commendable. The normative juridical research method employed, along with a statutory and regulatory analysis approach, strengthens the paper's findings, indicating that GetContact's information crowdsourcing mechanism potentially violates consumers' rights to personal data confidentiality as outlined in key Indonesian laws, including Law No. 11 of 2008 concerning Electronic Information and Transactions.

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