

Conference Paper

Smart Policing in Overcoming Sexting Emergency Among Adolescents

Siti Wulandari, Haris*, Cindy Monique, Aprilia Bhirini Slamet

Faculty of Law, University of Muhammadiyah Malang, Malang, Indonesia

ORCIDSiti Wulandari: <https://orcid.org/0009-0007-4397-762X>Haris: <https://orcid.org/0009-0008-7650-0083>Cindy Monique: <https://orcid.org/0000-0001-8735-0676>Aprilia Bhirini Slamet: <https://orcid.org/0000-0002-7997-6860>**Abstract.**

This research is motivated by the rampant cases of sexting among teenagers having a lot of negative impact on the victims. So protection and law enforcement are needed with the smart policing approach because sexting is a crime that utilizes technology. This study aims to determine legal protection for victims of sexting and law enforcement against sexting perpetrators through smart policing among adolescents. The type of research that the authors use is normative juridical. There are two forms of legal protection for victims of sexting among adolescents using Smart Policing, namely preventive and repressive legal protection. Preventive legal protection with Smart Policing, by providing information and appeals through social media owned by the Police. Meanwhile, repressive legal protection applies E-Policing, namely E-Dumas and online complaint websites. Law enforcement against sexting is talking about the sanctions contained in laws and regulations, namely the ITE Law and the Pornography Law. Apart from that it also pays attention to the provisions related to age, sanctions, and juvenile justice process limits, if the perpetrator of sexting is a child.

Keywords: smart policing, sexting, adolescents

1. INTRODUCTION

Technological developments occur very quickly and have made an impact on various aspects of human life. Where at this time communication can be done without having to meet, just by using the application on each cell phone. In addition, the buying and selling process is also enough to make transactions, without the seller and buyer having to meet. In the era of globalization, all human activities are carried out using technology. This makes technology a necessity for everyone, from adults to children in carrying out their lives.[1]

The use of digitalization technology and artificial intelligence is firmly embedded in various aspects of human life, including aspects of education. The rapid development of information technology has brought us to the era of the industrial revolution 4.0.[2] The

Corresponding Author: Haris;
email: thoflyh@gmail.com

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development of information technology will gradually change the behavior of society and human civilization globally. In addition, the impact of the development of information technology has led to a world without boundaries and significant social changes. So that information technology becomes a double-edged sword, which has contributed to increasing human welfare, progress and civilization, but can also be an effective means of committing crimes. Previously, crimes were committed conventionally, with the advent of information technology, crimes became technologically charged or commonly referred to as cyber crimes. Cybercrime is one of the negative impacts on society at large from advances in information technology.[3]

Teenagers are the most fluent generation in using technology in the current 4.0 era. The internet is a progress as well as a threat to teenagers. This is because teenagers are the generation most familiar with digital media. Of course this is not something wrong if technology is used as well as possible. However, in reality the use of technology and social media often leads to negative and detrimental things. The increasingly sophisticated development and spread of information technology, as well as the wide reach of the internet and the popularity of social media have given rise to a new form of crime, namely sexting.

Sexting is someone who sends messages in the form of pictures or videos to other people with explicit sexual connotations through electronic media with social media platforms, for example: Instagram, WhatsApp, Telegram, Twitter, Facebook, and so on. The fact is that 60% of teenagers have had sexting, 40% of teenagers have shown sexting material from other people, and 20% shared sexting material back that they had received, the data is cited in the book *You Only Live Once* published by the Indonesian Ministry of Communication and Information in 2013 concerning Sexting Behavior.[4]

Police hold one of the functions of government as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police. In government, the Police is an agency or instrument of the state that is given the task of government, namely maintaining security and public order and carrying out the public interest. The position of the Police is directly under the President. The Police participate in realizing Smart Governance by developing a concept of Smart Police or Smart Policing, which is a concept that requires Police performance to be intelligent in maintaining and realizing social order in dealing with social conflicts that may occur in society in the era of the industrial revolution 4.0.[5]

Protection and law enforcement of sexting among adolescents is needed to protect the rights of victims of sexting. This is because sexting has negative impacts including: pornographic content can be enjoyed by teenagers very easily, so that teenagers sometimes have sexual relations before marriage; online sexual exploitation; online sexual

harassment; victims of sexting will be depressed, feel uncomfortable and threatened when photos or videos containing sexual elements are spread.

Adolescents need continuous protection and coaching for their survival, growth and physical, mental and social development as well as protection from all things that harm or damage their future. This is because teenagers are the young generation who will continue the ideals of the nation's struggle, which are human resources for future national development.[6]

The State of Indonesia is a constitutional state as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law as stated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The rule of law and human rights are two things that cannot be separated from justice and order that must be realized. Protection and fulfillment of human rights is the responsibility of the state. Law enforcement as a duty bearer has 3 (three) important roles, namely respect (obligation to respect), protect (obligation to protect), and fulfill (obligation to fulfill) the rights of its citizens.[7] So that protection and law enforcement need to be done to respect, protect and fulfill the rights of victims of sexting among adolescents. This is very important to do because sexting can have a negative impact in the form of damage to Indonesia's young generation.

Based on the description of the problem, the authors are interested in studying **Smart Policing in Overcoming Sexting Emergencies among Adolescents**.

The formulation of the problem in this study, namely: What is the legal protection for smart policing for victims of sexting among adolescents? How is law enforcement against sexting perpetrators among adolescents?

2. METHODOLOGY/ MATERIALS

The type of research used is normative juridical. This type of juridical-normative legal research is conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as rules or norms which are standards for human behavior that are considered appropriate.[8] The approach method in this research is the statute approach and conceptual approach. The authors in this study used 2 (two) types of legal materials, namely: primary legal materials and secondary legal materials. The technique of collecting legal materials is through library research. Literature study is a review of written information from various sources that are widely published and is needed in normative legal research, then the results are reviewed and arranged systematically.[9]

While the legal material analysis technique used in this study is descriptive qualitative, namely a research that seeks to describe and interpret existing conditions or relationships, opinions that are growing, processes that are ongoing as well as consequences that occur and trends that are developing.

3. RESULTS AND DISCUSSIONS

3.1. Legal Protection for Smart Policing for Victims of Sexting among Teenagers

Public service problems such as difficulties in obtaining service access and information, complicated by service providers, unclear service information, etc. are still problems that are often complained of. Along with the development of the 4.0 era, most social activities are carried out using a technological approach. Thus, public innovation is also formed with a technological approach that can be called e-Government. As a form of participation in public service innovation, the police make applications for each unit, aiming to provide integrated information and public services. The purpose of making a special application, among others:[5]

1. Realization of an application that can integrate with Police information from work units to regional units.
2. Realization of applications that support one-door services.
3. Formation of user-friendly applications for the community.

Building intelligent policing (Smart Policing) in the digital era requires intelligent political will. Smart words are indeed an option or hope for change. The constitutional mandate of our nation is to educate the life of the nation. Smart leaders always think about what's new, what makes people proud, which has an effect on high public trust. This is the impact of professional work supported by police modernization and trust, which is the result of excellent services.

Smart Policing in this context is understood as a Community Policing model in an online system that we call E-Policing. the implementation of policing is area based, interest based and problem impact based which seeks to break through the barriers of space and time. Implementation of Smart Policing is to build a back office as a data center, communication, coordination, control, supervision and information, application as a form of service program model that can be installed in various models and systems both for data collection, search, providing information, speed of response and so on,

and the network as a network electronically and manually must continue to be built as a basic foundation for the strength of these service systems.

Smart policing is a form of community policing that is able to overcome various conventional problems, cyber problems in the digital era. In Era 4.0, the model of community policing apart from intelligent, moral and modern professionals can be functional or smart. Smart policing in its implementation can be applied in Conventional Policing, Electronic Policing (E Policing) and Forensic Policing. But in this study the focus is on discussing E-Policing.

In addition to the implementation of E-Policing in the traffic function, there is also an implementation in other functions, namely E-Dumas. E-Dumas is a Community Complaints (Dumas) application that makes it easier for the public to report matters related to Kamtibmas (security and public order) and also Police performance. The E-Dumas application is able to become an effective medium because people without borders can report crimes that occur around them via their respective smartphones without having to come to the nearest Police Station. E-Dumas was created to create a form of transparency and complaint handling for the wider community.

Another form of Smart Policing is the community policing model in Era 4.0 which is carried out by providing education, appeals and even information to the public about crime, traffic, and so on through social media at each level of the Police. The social media platforms used are Instagram, website, telegram, tick-tock, Facebook, Twitter and/or YouTube.

Sexting activities in adolescents that take place on social media can be likened to the work of a computational brain system, with the process of seeing, hearing, tasting and feeling sensations from the world as the first phase in the sexting stage which then involves stimulation, storing information, changing material, think and finally react according to the knowledge obtained. The stages of sexting starting from the stage of sending pictures, interpreting pictures and responding to pictures until they become sexting talks.[10] Sexting has a negative impact on victims. There are several things that victims of sexting may experience, including: Psychological Loss, Social Alienation, Economic Losses, Limited Mobility, Self-Censorship.[11]

There are many negative impacts received by victims of sexting, so there is a need for legal protection. Protection is a guarantee that is given for welfare, peace, security and peace from all dangers that a person threatens, both children, adults and parents. Legal protection is an act of protection according to applicable law in Indonesia. According to I.B Wyasa Putra and Lili Rasjidi argued that law can function not only to create certainty,

but also guaranteed protection and balance which is only flexible and adaptive, but also predictive and anticipatory.[12]

The forms of legal protection that can be given to victims of sexting are as follows:

1. Preventive Legal Protection

Preventive legal protection is carried out to prevent the crime from happening. This is done by socializing indirectly or online to the public by disseminating information about the dangers of sexting and others, through social media accounts owned by the Police including: Instagram, website, telegram, tik-tok, Facebook, Twitter and/or youtube. In addition, information about criminal snares if someone commits a crime, so that people are afraid so they will not commit a crime.

2. Repressive Legal Protection

Repressive legal protection is prosecution of perpetrators of sexting crimes. In this study, legal protection is carried out by making it easy for victims of sexting to report the crime to the Police via E-Dumas or online complaints. According to the authors of the online complaint, it is in the midst of preventive and repressive legal protection, because it is not a preventive measure but has not yet been included in the prosecution process.

This legal protection is the main gate to make it easier for victims to report crimes that have happened to them. This is also a progressive step in providing services to justice seekers, where so far when someone has experienced a crime they have to come to the Police Station to report what happened to them. In the 4.0 era, public complaints can be made remotely using an application that has been provided by each of the Police regions or what is called smart policing. For example, in this case the East Java Regional Police jurisdiction has several E-Dumas, namely <https://dumas.jatim.polri.go.id/> in general, and in particular there is <https://www.ditreskrimsuspoldajatim.com/pengdinding-online/> as one of the special functions that solve cyber cases.

Online public complaints are included in indirect complaints. There are respective implementation procedures as stipulated in Perpol Number 9 of 2018. The implementation procedure can be seen by whom the complaint is received, the authors use complaints within the Polda environment. As for the procedure for implementing Dumas indirectly received by the Polda as regulated in Article 13 of Perpol Number 9 of 2018:

1. Regional Supervision Inspectorate:

2. forward to:

3. Director of General/Special/Drug Criminal Investigation of the Regional Police in relation to criminal acts; and
4. Head of Professional and Security Division related to disciplinary violations and KEPP violations.
5. can ask for clarification from the Kasatker within the Polda environment regarding their duties and functions;
6. monitor and receive results of clarification of follow-up handling of Dumas;
7. sending a letter of notification of the progress of handling Dumas to Irwasum Polri and the reporter; and
8. make a Dumas report which is the responsibility of Polda.
9. Directorate of General/Special/Drug Crime Investigation of Polda:
10. Dumas received by the Directorate of General/Special/Drug Crime Investigation of the Regional Police:
11. followed up with recording and forwarded to the Head of the Investigative Supervision Section of the General/Special/Drug Investigation Directorate of the Regional Police according to the function to carry out reviews, assessments, case titles, supervision and directions on Dumas material;
12. send a letter of notification of the progress of handling Dumas to the complainant;
And
13. Dumas who is not under his authority, handling is delegated to:
14. To the Professional and Security Division of the Polda, relating to disciplinary violations or KEPP; and
15. The Head of the Resort Police is related to criminal cases based on the severity of the problem.
16. Dumas received from the Polda Regional Supervision Inspectorate and the Head of the Professional and Security Section of the Polda;
17. followed up with recording and forwarded to the Investigative Supervision Section of the Polda Ditreskrim for review, review, title case, supervision and direction on Dumas material; and
18. send a letter of notification of the progress of handling Dumas to Irwasda Polda and the reporter.

19. Make a Dumas report which is the responsibility of the Directorate of General/Special/Drug Crime Investigation of the Regional Police.
20. Polda Profession and Security:
 21. Dumas received by the Subdivision of Complaint Services for the Professional and Security of the Regional Police:
 22. followed up by recording, reviewing and reviewing to provide suggestions and opinions to the Professional and Security Division of the Regional Police;
 23. distributed to Subdivisions within the Professional and Security Sector of the Polda, relating to disciplinary violations and KEPP;
 24. send a letter of notification of the progress of handling Dumas to the complainant; and
 25. Dumas received and is not his authority, delegated to:
 26. Director of General/Special/Drug Crime Investigation of the Regional Police in accordance with functions related to general/special/narcotics crimes; and
 27. Head of the Resort Police, in accordance with the existence of the problem being complained.
 28. Dumas received from the Regional Supervision Inspector and the Director of the General/Special/Drug Criminal Investigation of the Regional Police:
 29. followed up by recording, reviewing and reviewing to provide suggestions and opinions to the Professional and Security Division of the Regional Police;
 30. distributed to Subdivisions within the Professional and Security Sector of the Regional Police, related to disciplinary violations or KEPP; and
 31. send a letter of notification of the progress of handling Dumas to the Regional Supervision Inspector and the reporter; and
 32. Make a Dumas report which is the responsibility of the Professional and Security Division of the Polda.

Based on the provisions above, the application of legal protection for victims of sexting among adolescents within the Polda environment can be carried out in the manner set out in Article 13 letter a or b of Perpol Number 9 of 2018 depending on where the report is filed. If the sexting perpetrator is a member of the National Police,

then this matter can be reported to Divpropam (Profession and Security Division) as per Article 13 letter c of Perpol Number 9 of 2018 because it relates to the Police professional code of ethics. Where when a member of the National Police commits a crime, it is processed according to criminal law and also a code of ethics.

3.2. Law Enforcement Against Perpetrators of Sexting among Adolescents

The development of information and communication technology in the current era is growing rapidly. Almost all residents of all ages can use and access information and communication technology networks. These developments are often misinterpreted and misused by certain individuals, especially individuals who have criminal intentions in cyberspace. Crime in cyberspace has many contexts and forms that make ITE one of the things that is considered unfavorable for most people.[13] One form of crime in cyberspace is sexting, which is a form of sexual harassment by sending videos, photos and/or sexually charged content.

The police as one of the organizers of government must realize smart governance. The goal of smart governance is the creation of effective and efficient bureaucratic management, as well as the functioning of regional government as an effective, transparent and accountable public service institution. Smart government governance must be implemented in three government functions: providing public services (service), creating an efficient bureaucracy (bureaucracy) and developing public policies that support development (policy). In order to realize smart governance to support the birth of a smart nation, the National Police, which is part of the government bureaucracy, in carrying out their duties must leave conventional ways towards creative ways supported by the use of science and technology.[13]

Talking about law enforcement, it cannot be separated from the application of sanctions. Sanctions in cyber sex crimes can be seen from the regulatory approach contained in Law Number 44 of 2008 concerning Pornography and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) which clearly shows the nature of retaliation for the perpetrators. Each of these arrangements has a different scope for setting sanctions and will be adjusted to the type of crime committed.

Law enforcement as a process that is systemic, then with criminal law enforcement it appears as the application of criminal law. The application of criminal law must be viewed from 3 dimensions, namely:[14]

1. The application of law is seen as a normative system, namely the application of all legal rules that describe social values supported by criminal sanctions.
2. The application of law is seen as an administrative system, including interactions between law enforcement officials who are a sub-system of justice.
3. The application of criminal law is a social system, that in defining a crime must also take into account the various perspectives of thought that exist in society.

The setting of sanctions in sexting law enforcement can be seen from the approach to the two regulations that the author analyzes below:

1. Law Number 44 of 2008 concerning Pornography

Cyber sex crimes are also related to pornography. The Pornography Law itself explains that there are various kinds of criminal acts related to decency or pornography, namely:

1. Everyone is prohibited from producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting, or providing pornography which explicitly contains:
 2. intercourse, including deviant intercourse;
 3. sexual violence;
 4. masturbation;
 5. nudity or impressive display of nudity;
 6. genitals; or
 7. child pornography.
8. Everyone is prohibited from providing pornographic services which:
 9. present explicitly nudity or suggestive display of nudity;
 10. explicitly present the genitals;
 11. expose or exhibit sexual activity; or
 12. offer or advertise, either directly or indirectly, sexual services.

The crime in Article 4 is punishable by imprisonment for a minimum of 6 (six) months and a maximum of 12 (twelve) years and/or a fine of a minimum of Rp. 250,000,000.- (two hundred and fifty million rupiah) and a maximum of Rp. 6,000,000,000.- (six billion rupiah) as Article 29 and Article 30 of the Pornography Law. Provisions regarding the prohibition of pornography other than Article 4 are also regulated in Articles 5 to 13 of the Pornography Law.

The prohibition in the Pornography Act is evident in the content of cyber sex crimes when the person knowingly and knowingly engages in active online sexual activity. Boldly, this law clearly highlights elements that are related to cyber sex crimes, such as child pornography, cyber prostitution, cyber sex. In law enforcement, one of the right bases to ensnare perpetrators is the Pornography Law and as a reference material for law enforcement officials to solve cyber sex crimes. The Pornography Law synergizes with the ITE Law because pornographic content can be created, uploaded, or taken from internet facilities.

1. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions

Cyber sex crimes that were born from cyber space make the regulation inseparable from the ITE Law. The birth of this law is enough to answer the anxiety for law enforcement officials in resolving cases that are specific in nature, especially those related to cyber sex crimes. The ITE Law provides guarantees of legal certainty for all processes or activities related to information and electronic transactions that regulate the internet (cyber law).

The regulation of world sex crimes in Law Number 11 of 2008 can be seen from the provisions of Article 27 Paragraph (1) that:

Everyone intentionally and without rights distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain content that violates decency.

The sanction that can be imposed in that article as referred to in Article 45 is a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.- (one billion rupiah).

Based on the provisions above, it can be seen that elements of content can be said to be content with moral content if someone creates, distributes or transmits electronic information and/or documents. Electronic documents themselves are electronic information in various forms and are not limited to writing, sound, images, photos, but are collections of electronic data whether in analog, digital, electromagnetic or optical

form that can be easily accessed, understood, by someone who is able to read it and contain elements of decency. Both information and electronic documents are valid legal evidence extensions in the provisions of the Indonesian Criminal Procedure Code.

This study discusses law enforcement against victims of sexting among adolescents. Where can we know that there are provisions for the age limit of adolescents, namely early youth (12-15 years), middle youth (15-18 years), late youth (18-21 years). For late adolescents aged 18 years and over, namely 18-21 years, they are processed in the same way as adult courts. From the provisions of the teenage age limit that early and mid-teens are included in the child category. So that law enforcement against sexting perpetrators committed by teenagers must also pay attention to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), because a child cannot be held accountable and punished for his actions with the same pattern of accountability or sanctions as adults. So that in enforcing the law of sexting where the perpetrator is a child, he must pay attention to the age limit, the limit for sanctions, the limit for the juvenile justice process.[15]

Based on this, it can be concluded that law enforcement against cyber sex crimes committed by children is carried out through special procedures contained in the juvenile justice system. Looking at the substance of the sanction arrangements contained in the ITE Law and the Pornography Law, almost all of these crimes are punishable by imprisonment under 7 (seven) years, which fulfills the requirements for diversion as long as they are not a repetition of a crime. But not all forms of crime are punishable by imprisonment under 7 (seven) years, so diversion cannot be carried out.

4. CONCLUSION AND RECOMMENDATION

The conclusion of this study is that there are two forms of legal protection for victims of sexting among adolescents using Smart Policing, namely preventive and repressive legal protection. Preventive legal protection with Smart Policing, namely providing information and also appeals through social media owned by the Police. This is another form of outreach to the public regarding sexting and other crimes. While repressive legal protection, the police implement E-Policing, namely E-Dumas and an online complaint website, to make it easier for the public to make complaints because sexting is a cyber sex crime that utilizes technology. Law enforcement against sexting is talking about the sanctions contained in laws and regulations. Regulations regarding sexting are regulated in the ITE Law and the Pornography Law. Law enforcement against perpetrators of sexting among adolescents must pay attention to several things because

the category of adolescents is also included in the category of children. So that in enforcing the law against children who practice sexting, pay attention to provisions related to age limits, limits on sanctions and limits on juvenile justice processes.

Based on the conclusion made above, three recommendations are offered here. First, expand law enforcement cooperation with the National Cyber and Crypto Agency or state agencies that have certain legality to be able to block and search for suspected perpetrators by IP address. So that there are no more reporting cases that have stopped because the perpetrators are still being sought. Second, law enforcement officials must be even more assertive in applying legal provisions regarding sexting in order to provide a deterrent effect and not repeat their actions again. Third, the community should be even stricter in supervising their children in using technology. So that technology is used as best as possible, not for negative things.

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