

**REGULATION OF THE MINISTER OF COMMUNICATION AND INFORMATICS OF
THE REPUBLIC OF INDONESIA
NUMBER 5 OF 2020
ON
PRIVATE ELECTRONIC SYSTEM PROVIDER¹**

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF COMMUNICATION AND INFORMATICS OF THE REPUBLIC OF
INDONESIA,

Considering:

that in order to fulfill the regulatory needs in the organization of private electronic system, as well as to implement provisions under Article 5 paragraph (3), Article 6 paragraph (4), Article 97 paragraph (5), Article 98 paragraph (4), and Article 101 of Regulation of the Government [Number 71 of 2019](#) on Organization of Electronic Systems and Transactions, it is deemed necessary to establish Regulation of the Minister of Communication and Informatics on Private Electronic System Provider;

In view of:

1. Article 18 paragraph (3) of the 1945 Constitution of the Republic of Indonesia;
2. Law [Number 39 of 2008](#) on State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
3. Regulation of the Government [Number 71 of 2019](#) on Organization of Electronic Systems and Transactions (State Gazette of the Republic of Indonesia of 2019

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- Number 185, Supplement to the State Gazette of the Republic of Indonesia Number 6400);
4. Regulation of the President [Number 54 of 2015](#) on Ministry of Communication and Informatics (State Gazette of the Republic of Indonesia of 2015 Number 96);
 5. Regulation of the Minister of Communication and Informatics [Number 6 of 2018](#) on Organization and Working Procedures of Ministry of Communication and Informatics (Official Gazette of the Republic of Indonesia of 2018 Number 1019);
 6. Regulation of the Minister of Communication and Informatics [Number 13 of 2019](#) on Organization of Telecommunication Services (Official Gazette of the Republic of Indonesia of 2019 Number 1329);

HAS DECIDED:

To establish:

REGULATION OF THE MINISTER OF COMMUNICATION AND INFORMATICS ON PRIVATE ELECTRONIC SYSTEM PROVIDER.



CHAPTER 1
GENERAL PROVISIONS

Article 1

Under this Regulation of the Minister, the following definitions are employed:

1. Electronic Information is a single or collection of Electronic Data, including but not limited to text, sound, image, map, design, photo, electronic data interchange (EDI), electronic mail (*surat elektronik*), telegram, telex, telecopy or its kind, letter, mark, number, access code, symbol, or perforation which has been processed and has meaning or may be understood by person who is capable to understand it.
2. Electronic Document is every Electronic Information which is created, forwarded, sent, received, or stored in the forms of analog, digital, electromagnetic, optical, or its kind, that may be viewed, displayed, and/or heard through computer or Electronic System, including but not limited to text, sound, image, map, design, photo or its kind, letter,

- mark, number, access code, symbol or perforation which has definition or meaning or may be understood by person who is capable to understand it.
3. Electronic Data is data in electronic forms which is not limited to text, sound, image, map, design, photo, electronic data interchange (EDI), electronic mail (*surat elektronik*), telegram, telex, telecopy or its kind, letter, mark, number, access code, symbol, or perforation.
 4. Electronic System is a set of electronic devices and procedures which function to prepare, collect, process, analyze, store, display, publish, send, and/or disseminate Electronic Information.
 5. Electronic System Provider is every Person, state organizer, enterprise, and the public who provide, manage, and/or operate Electronic System, individually or jointly, to Subscriber for its own and/or other's needs.
 6. Private Electronic System Provider, hereinafter referred to as Private PSE, is the organization of Electronic System by person, enterprise, and the public.
 7. User Generated Content Private PSE is Private PSE, of whom, the provision, broadcasting, uploading, and/or exchange of its Electronic Information and/or Electronic Document are performed by Subscriber.
 8. Subscriber is every person, state organizer, enterprise, and the public who utilize goods, services, facilities, or information that are provided by Electronic System Provider.
 9. Cloud Computing is a model of providing network access which is distributed, easy, based on request for a group of computational resources which may be configured jointly with, among others, network, server, storage, app, and service which may be provided and published promptly and using minimal managerial power or service-provision interaction.
 10. Cloud Computing Provider is Private PSE which provides, organizes, manages, and/or operates Cloud Computing service.
 11. Personal Data is every data regarding a person, both identified and/or identifiable separately or combined with another information, either directly or indirectly, through Electronic System and/or non-electronic system.

12. Electronic Transaction is legal act which is performed by using computer, computer network, and/or other electronic media.
13. Ministry or Agency is State Organizing Institution which assumes the duty to supervise and issue regulation on its sector.
14. Electronically Integrated Business Licensing (Online Single Submission), hereinafter referred to as OSS, is business licensing which is issued by OSS agency for and on behalf of minister, head of agency, governor, or regent/mayor to businesses through integrated electronic system.
15. Termination of Access is the act of blocking access, shutting down account and/or erasure of content.
16. Normalization is the process of recovering access to Electronic System which has been shut down, so that it can be re-accessed.
17. Internet Service Provider (*Penyelenggara Jasa Akses Internet*), hereinafter abbreviated as ISP, is multimedia service provider which organizes internet access service to be connected with public internet service.
18. Traffic Data (*Data Lalu Lintas*) is Electronic Data which is produced by Electronic System regarding Electronic Transaction which takes place in such Electronic System as a part of communication chain with another Electronic System that encompasses the origin and purpose of Electronic Transaction which encompasses phone number, internet protocol address, or similar identification number which is used by Private PSE to identify Subscriber, route (*rute*) of Electronic Transaction, beginning and ending time of Electronic Transaction, size of Electronic Data, type of service of Private PSE which is used by Subscriber, such as email, instant messaging (*layanan pesan instan*), or file transfer.
19. Subscriber Information (*Informasi Pengguna Sistem Elektronik*) is Electronic Data which is controlled or managed by Private PSE in relation to service which is used by Subscriber that encompasses information on identity of Subscriber, including name of Subscriber which is used in service of Private PSE, domicile address of Subscriber and other address which identifies location of Subscriber on the time of signing-up or using service of Private PSE, identification number which is used by Subscriber to register for service of Private PSE, such as email address and phone number,

information on payment or bill which is issued by Private PSE to Subscriber in relation to location on installation of device, duration of service.

20. Communication Content is Electronic Information or Electronic Document which is sent, transmitted or received by Subscriber through service of Private PSE, other than Traffic Data (*Lalu Lintas Data*) and Subscriber Information (*Informasi Pengguna Sistem Elektronik*).
21. Specific Personal Data is data and information on health, biometric data, genetic data, sexual life/orientation, political view, child's data, data on personal finance, and/or other data in accordance with provisions under laws and regulations.
22. Law Enforcer is official from Law Enforcement Institution who bears the responsibility for an ongoing investigation, prosecution, proceeding.
23. Law Enforcement Institution is Ministry or Agency which is established based on Law with the authority to perform investigation, prosecution, or proceeding of criminal act that is addressed under a law.
24. Contact Person is the liaison officer at Private PSE, Ministry or Agency, Law Enforcement Agency and judiciary agency in the event of request of access to Electronic System and Electronic Data and application for Termination of Access.
25. Minister is minister who organizes governmental affairs within communication and informatics sector.
26. Ministry is ministry which organizes governmental affairs within communication and informatics sector.

CHAPTER II

REGISTRATION OF PRIVATE ELECTRONIC SYSTEM PROVIDER

First Division

Registration of Private Electronic System Provider

Article 2

- (1) Every Private PSE must perform registration.
- (2) Private PSE as referred to in paragraph (1) encompasses:

- a. Electronic System Provider which is regulated or supervised by Ministry or Agency based on provisions under laws and regulations; and/or
 - b. Electronic System Provider which owns online portal, site, or app via internet that is used for:
 1. providing, managing, and/or operating offer and/or trading of goods and/or services;
 2. providing, managing, and/or operating financial transaction service;
 3. delivery of paid digital material or content through data network, either by the way of downloading through portal or site, delivery through electronic mail, or using another app, to the device of Subscriber;
 4. providing, managing, and/or operating communication service, including but not limited to online instant message, voice call, video call, electronic mail, and conversation in the forms of digital platform, social network and social media;
 5. search engine service, service for the provision of Electronic Information which takes form as text, sound, image, animation, music, video, film, and game or combination of a part of it and/or the whole; and/or
 6. processing of Personal Data for operational activity in servicing the public in relation to Electronic Transaction activity.
- (3) Obligation of performing registration for Private PSE is performed before Electronic System is starting to be used by Subscriber.
 - (4) Registration of ISP as Private PSE is undertaken through licensing which is organized by Ministry in accordance with provisions under laws and regulations.
 - (5) The public may submit complaint/information against Private PSE which fails to perform registration obligation.

Article 3

- (1) Registration of Private PSE as referred to under Article 2 paragraph (1) is filed to Minister.

- (2) Filing of registration application of Private PSE as referred to in paragraph (1) is performed through OSS, unless it is deemed otherwise by provisions under laws and regulations.
- (3) Filing of registration application as referred to in paragraph (2) is performed by filling-out registration form which addresses veracious information on:
 - a. general illustration on the operation of Electronic System;
 - b. obligation of ascertaining the security of information in accordance with provisions under laws and regulations;
 - c. obligation of performing protection of Personal Data in accordance with provisions under laws and regulations; and
 - d. obligation of performing feasibility test of Electronic System in accordance with provisions under laws and regulations.
- (4) Information on general illustration on the operation of Electronic System as referred to in paragraph (3) letter a, consists of:
 - a. name of Electronic System;
 - b. sector of Electronic System;
 - c. uniform resource locator (URL) of website;
 - d. domain name system (*sistem nama domain*) and/or server's Internet Protocol (IP) address;
 - e. description on business model;
 - f. brief description on function of Electronic System and business process of Electronic System;
 - g. statement on Personal Data which is processed;
 - h. statement on location of management, processing, and/or storage of Electronic System and Electronic Data; and
 - i. statement which declares that Private PSE guarantees and performs obligation of providing of access to Electronic System and Electronic Data in the event of ascertaining effectiveness of supervision and law enforcement in accordance with provisions under laws and regulations.
- (5) Registration of Private PSE which is exempted from performing registration through OSS as referred to in paragraph (2) is performed by submitting information as

referred to in paragraph (3) and paragraph (4), as well as submitting veracious information on:

- a. name of incorporated entity, address of incorporated entity, form of incorporated entity, deed of company and recent deed of amendment;
- b. tax identification number;
- c. name, resident's identity number, and phone number; and
- d. statement which declares that Private PSE has possessed legality in organizing business activities from Ministry or Agency which has the authority in accordance with provisions under laws and regulations, as proven by related documents.

Article 4

- (1) Obligation of Private PSE in performing registration as referred to under Article 2 paragraph (1) also applies for Private PSE which is established in accordance with the law of another state or which has permanent domicile in another state, but:
 - a. provide service within Indonesian territories;
 - b. operate business in Indonesia; and/or
 - c. its Electronic System is used and/or offered within Indonesian territories.
- (2) Registration of Private PSE as referred to in paragraph (1) is performed by filling-out registration form which addresses information as referred to under Article 3 paragraph (3) and Article 3 paragraph (4), as well as veracious information encompassing:
 - a. identity of Private PSE;
 - b. identity of head of company and/or identity of person in charge;
 - c. statement of domicile and/or certificate of incorporation (*akta pendirian perusahaan*);
 - d. number of users (*pelanggan*) from Indonesia; and
 - e. value of transactions which are originated from Indonesia.
- (3) Information as referred to in paragraph (2) letter c is submitted by attaching supporting document which is translated into Indonesian language by sworn translator.

Article 5

Modification to registration information as referred to under Article 3 paragraph (3), Article 3 paragraph (5), and Article 4 paragraph (2) must be reported to Minister.

Second Division

Issuance of Registration Certificate

Article 6

- (1) Registration certificate of Private PSE is issued by Minister after registration requirements as referred to under Article 2 up to Article 5 are declared to be complete in accordance with this Regulation of the Minister and be deposited in the list of Private PSE.
- (2) List of Private PSE as referred to in paragraph (1) is available on the website page which is managed by Ministry.

Third Division

Imposition of Administrative Sanction and Normalization

Article 7

- (1) Minister imposes administrative sanction against Private PSE which:
 - a. fails to perform registration as referred to under Article 2 and Article 4;
 - b. has possessed registration certificate, but fails to report modification to registration information as referred to under Article 5;
 - c. fails to submit veracious registration information as referred to under Article 3 paragraph (3), Article 3 paragraph (4), and Article 4 paragraph (2).
- (2) In case Private PSE fails to perform registration as referred to in paragraph (1) letter a, Minister imposes administrative sanction in the forms of Termination of Access against Electronic System (access blocking).
- (3) In case Private PSE has possessed registration certificate, but fails to report modification to registration information as referred to in paragraph (1) letter b or fails

to submit veracious registration information as referred to in paragraph (1) letter c, Minister imposes administrative sanction in the forms of:

- a. reprimand which is delivered through electronic mail (*surat elektronik*) and/or other electronic media;
 - b. temporary suspension against Private PSE in case it fails to comply with reprimand as referred to in paragraph (3) letter a;
 - c. Termination of Access against Electronic System (access blocking) and revocation of Registration Certificate of Electronic System Provider in case Private PSE fails to give confirmation within time period of 7 (seven) days after the temporary suspension as referred to in paragraph (3) letter b.
- (4) In case Private PSE has fulfilled registration provisions as referred to under Article 2 up to Article 5, Minister performs Normalization against Electronic System which access is terminated (access blocking) as referred to in paragraph (2).
- (5) In case Private PSE has performed update on registration information veraciously, Minister performs Normalization against Electronic System which is temporarily suspended as referred to in paragraph (3) letter b.
- (6) In case Private PSE has performed re-registration by submitting veracious registration information, Minister performs Normalization against Electronic System which access of its Electronic System is terminated and its registration certificate of Electronic System Provider is revoked, as referred to in paragraph (3) letter c.

Article 8

- (1) Minister may impose administrative sanction against Private PSE based on application from Ministry or Agency upon the basis of violation of laws and regulations within the sector of Ministry or Agency which has the authority in accordance with provisions under laws and regulations.
- (2) In case administrative sanction which is imposed toward Private PSE as referred to in paragraph (1) is Termination of Access against Electronic System (access blocking), Minister performs Normalization based on filing of recommendation by Ministry or Agency on the basis of service of private PSE which has fulfilled provisions under laws and regulations.

CHAPTER III
GOVERNANCE AND MODERATION OF ELECTRONIC INFORMATION AND/OR
ELECTRONIC DOCUMENT

First Division
General

Article 9

- (1) Private PSE takes responsibility for the organization of Electronic System and management of Electronic Information and/or Electronic Document within Electronic System in reliable, secure, and responsible manners.
- (2) Private PSE must provide terms of use of service in Indonesian language in accordance with provisions under laws and regulations.
- (3) Private PSE must ascertain:
 - a. its Electronic System does not contain prohibited Electronic Information and/or Electronic Document; and
 - b. its Electronic System does not facilitate the dissemination of prohibited Electronic Information and/or Electronic Document.
- (4) Prohibited Electronic Information and/or Electronic Document as referred to in paragraph (3) are the ones with the classifications of:
 - a. violating provisions under laws and regulations;
 - b. unsettling the public and disrupting public order; and
 - c. giving information on the method or providing access to prohibited Electronic Information and/or Electronic Document.
- (5) Prohibited Electronic Information and/or Electronic Document as referred to in paragraph (4) letter b are established by Ministry or Agency in accordance with provisions under laws and regulations.
- (6) Private PSE which fails to perform obligation as referred to in paragraph (3), the access to its Electronic System is terminated (access blocking) in accordance with provisions under this Regulation of the Minister.

Second Division

Obligation of User Generated Content Private Electronic System Provider

Article 10

- (1) In the event of fulfilling obligation as referred to under Article 9 paragraph (3), User Generated Content Private PSE must:
 - a. have governance on Electronic Information and/or Electronic Document; and
 - b. provide reporting mean.
- (2) Governance as referred to in paragraph (1) letter a at least contains the following provisions:
 - a. obligation and right of Subscriber in using service of Electronic System;
 - b. obligation and right of Private PSE in performing operational of Electronic System;
 - c. provisions on liability against Electronic Information and/or Electronic Document which are uploaded by Subscriber; and
 - d. availability of mean and service, as well as complaint settlement.
- (3) Reporting mean as referred to in paragraph (1) letter b should be accessible by the public and be used for submission of complaint and/or report of prohibited of Electronic Information and/or Electronic Document which are contained in Electronic System that is managed by it.
- (4) Against complaint and/or report against prohibited Electronic Information and/or Electronic Document as referred to in paragraph (3), Private PSE must:
 - a. give response to complaint and/or report to the party who complaints and/or reports it;
 - b. perform independent examination on complaint and/or report and/or request verification of complaint and/or report to Minister and/or related Ministry or Agency;
 - c. give notice to Subscriber on complaint and/or report against Electronic Information and/or Electronic Document which are uploaded by Subscriber; and

- d. refuse complaint and/or report if Electronic Information and/or Electronic Document which are reported are not prohibited Electronic Information and/or Electronic Document.
- (5) Private PSE which fails to perform obligation as referred to in paragraph (1) and paragraph (4), access to its Electronic System is terminated (access blocking) in accordance with provisions under this Regulation of the Minister.

Article 11

User Generated Content Private PSE may be exempted from legal liability regarding prohibited Electronic Information and/or Electronic Document which are transmitted or distributed through its Electronic System in case Private PSE:

- a. has performed obligation as referred to under Article 9 paragraph (3) and Article 10;
- b. gives Subscriber Information (*Informasi Pengguna Sistem Elektronik*) who uploads prohibited Electronic Information and/or Electronic Document in the event of supervision and/or law enforcement; and
- c. performs Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document.

Third Division
Obligation of Cloud Computing Provider

Article 12

- (1) In the event of fulfilling obligation as referred to under Article 9 paragraph (3), Cloud Computing Provider must possess governance on Electronic Information and/or Electronic Document.
- (2) Governance as referred to in paragraph (1) at least addresses the following matters:
- a. obligation and right of user of Cloud Computing Provider's service in using Cloud Computing;
 - b. obligation and right of Cloud Computing Provider in performing the operational of Cloud Computing; and

- c. provisions regarding liability of user of Cloud Computing Provider's service in case of storing Electronic Information and/or Electronic Document on Cloud Computing.
- (3) Cloud Computing Provider must give Electronic Information and/or Electronic Data regarding user of Cloud Computing Provider's service which are under its control for the purpose of supervision and law enforcement.

CHAPTER IV

APPLICATION FOR TERMINATION OF ACCESS TO PROHIBITED ELECTRONIC INFORMATION AND/OR ELECTRONIC DOCUMENT

First Division

General

Article 13

- (1) Private PSE must perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as referred to under Article 9 paragraph (4).
- (2) Obligation of performing Termination of Access (take down) as referred to in paragraph (1), including Termination of Access against Electronic Information and/or Electronic Document which are able to facilitate the dissemination of prohibited Electronic Information and/or Electronic Document.

Article 14

- (1) Application for Termination of Access against prohibited Electronic Information and/or Electronic Document as referred to under Article 13 may be filed by:
 - a. the public;
 - b. Ministry or Agency;
 - c. Law Enforcer; and/or
 - d. judiciary agency.
- (2) Application as referred to in paragraph (1) may be submitted through:

- a. website (*situs web*) and/or app;
 - b. non-electronic mail; and/or
 - c. electronic mail (*surat elektronik*).
- (3) Application as referred to in paragraph (1) is urgent in case of:
- a. terrorism;
 - b. child pornography; or
 - c. content which unsettles the public and disrupts public order.

Second Division

Application for Termination of Access by the Public

Article 15

- (1) Application for Termination of Access to prohibited Electronic Information and/or Electronic Document by the public as referred to under Article 14 paragraph (1) letter a is filed to:
- a. Ministry or Agency which is authorized, for application for Termination of Access against:
 - 1. prohibited Electronic Information and/or Electronic Document which are under its authority; and/or
 - 2. Electronic Information and/or Electronic Document which are able to facilitate the access to prohibited Electronic Information and/or Electronic Document which are under its authority based on provisions under laws and regulations, or
 - b. Minister, for application for Termination of Access against:
 - 1. prohibited Electronic Information and/or Electronic Document containing pornography and/or gambling;
 - 2. Electronic Information and/or Electronic Document which are able to facilitate the access to prohibited Electronic Information and/or Electronic Document containing pornography and/or gambling.
- (2) Application for Termination of Access which is filed by the public as referred to in paragraph (1) at least address information on:

- a. identity of applicant;
 - b. image or screen capture (*tangkapan layar*) which displays prohibited Electronic Information and/or Electronic Document;
 - c. link or Uniform Resource Locator (URL) which specifically directs to prohibited Electronic Information and/or Electronic Document, of which, its access is applied to be terminated; and
 - d. ground which becomes the basis of application.
- (3) Ministry or Agency which receives application for Termination of Access from the public as referred to in paragraph (1) letter a files application for Termination of Access to Minister.
 - (4) Minister orders Private PSE to perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as referred to in paragraph (1).
 - (5) Order for Termination of Access (take down) as referred to in paragraph (4) is delivered through electronic mail (*surat elektronik*) or other Electronic System.
 - (6) Private PSE which is ordered to perform Termination of Access (take down) as referred to in paragraph (4) must perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document no later than 1 x 24 (one time twenty-four) hours after the order on Termination of Access (take down) was received.
 - (7) In case Private PSE fails to perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as referred to in paragraph (6), Minister may perform Termination of Access and/or order ISP to perform Termination of Access against its Electronic System (access blocking) after considering reason which is filed by Private PSE.
 - (8) Application for Termination of Access (take down) against urgent prohibited Electronic Information and/or Electronic Document as referred to under Article 14 paragraph (3), Private PSE must perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as promptly as possible without any delay of no later than 4 (four) hours after the warning was received.

- (9) In case Private PSE fails to perform Termination of Access (take down) against urgent prohibited Electronic Information and/or Electronic Document within maximum time period of 4 (four) hours as referred to in paragraph (8), Minister may perform Termination of Access and/or order ISP to perform Termination of Access against its Electronic System (access blocking) after considering the reason as filed by Private PSE.
- (10) User Generated Content Private PSE which fails to perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as referred to in paragraph (6) and paragraph (8) is imposed with administrative sanction in the forms of fines, of which, its sum is in accordance with provisions under laws and regulations on non-tax state revenue.
- (11) Sanction as referred to in paragraph (10) is delivered through warning letter which is handed over to Private PSE for every 1 x 24 (one time twenty-four) hours for provisions as referred to in paragraph (6) and 1 x 4 (one time four) hours for provisions as referred to in paragraph (8), with the maximum warning letters to be handed over is 3 (three) times.
- (12) In case User Generated Content Private PSE fails to perform Termination of Access (take down) and/or does not pay fines as referred to in paragraph (10), Minister may perform Termination of Access and/or order ISP to perform Termination of Access against its Electronic System (access blocking) after considering the reason which is filed by Private PSE.

Third Division

Filing of Termination of Access by Ministry or Agency, Law Enforcer and Judiciary Agency

Article 16

- (1) Related Ministry or Agency coordinates with Minister for Termination of Access to prohibited Electronic Information and/or Electronic Document as referred to under Article 9 paragraph (4).

- (2) Law enforcer may request Termination of Access to prohibited Electronic Information and/or Electronic Document as referred to under Article 9 paragraph (4) to Minister.
- (3) Judiciary agency may order Termination of Access to prohibited Electronic Information and/or Electronic Document as referred to under Article 9 paragraph (4) to Minister.
- (4) Termination of Access as referred to in paragraph (1), paragraph (2), and paragraph (3) is filed by Ministry or Agency, Law Enforcer or Judiciary Agency, with at least attaching:
 - a. official letter from Ministry or Agency, Law Enforcer or order and/or court decision from judiciary agency;
 - b. legal analysis on prohibited Electronic Information and/or Electronic Document;
 - c. image or screen capture which displays prohibited Electronic Information and/or Electronic Document; and
 - d. link or *tautan* (URL) which specifically directs to prohibited Electronic Information and/or Electronic Document.
- (5) Minister orders Private PSE to perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document.
- (6) Order for Termination of Access (take down) as referred to in paragraph (5) is delivered through electronic mail (*surat elektronik*) or other Electronic System.
- (7) Private PSE which is ordered to perform Termination of Access (take down) as referred to in paragraph (5) must perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document no later than 1 x 24 (one time twenty-four) hours after the order on Termination of Access (take down) was received.
- (8) In case Private PSE fails to perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as referred to in paragraph (7), Minister performs Termination of Access and/or orders ISP to perform Termination of Access against its Electronic System (access blocking).

- (9) Toward application for Termination of Access (take down) against urgent prohibited Electronic Information and/or Electronic Document as referred to under Article 14 paragraph (3), Private PSE must perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document and/or Electronic Information and/or Electronic Document which are able to facilitate the access to prohibited Electronic Information and/or Electronic Document as prompt as possible without any delay of no later than 4 (four) hours after the warning was received.
- (10) Private PSE which fails to perform Termination of Access (take down) as referred to in paragraph (9), Minister performs Termination of Access and/or orders ISP to perform Termination of Access against its Electronic System (access blocking).
- (11) User Generated Content Private PSE which fails to perform Termination of Access (take down) against prohibited Electronic Information and/or Electronic Document as referred to in paragraph (7) and paragraph (9) is imposed with administrative sanction in the forms of fines, of which, its sum is in accordance with provisions under laws and regulations on non-tax state revenue.
- (12) Sanction as referred to in paragraph (11) is delivered through reprimand which is given to Private PSE for every 1 x 24 (one time twenty-four) hours for provisions as referred to in paragraph (7) and 1 x 4 (one time four) hours for provisions as referred to in paragraph (9), with the maximum reprimands that are available to be [*sic*] given is 3 (three) times.
- (13) In case Private PSE fails to perform Termination of Access (take down) as referred to in paragraph (7) and paragraph (9) and/or does not pay fines as referred to in paragraph (11), Minister performs Termination of Access and/or orders ISP to perform Termination of Access against its Electronic System (access blocking).

Article 17

- (1) Filing of Termination of Access in writing from Ministry or Agency, Law Enforcer, and/or judiciary agency should be performed by Contact Person.
- (2) Provisions for Termination of Access as referred to under Article 15 and Article 16 do not apply for Private PSE which is Cloud Computing Provider.

Fourth Division

Role of Internet Service Provider (*Penyelenggara Jasa Akses Internet*)

Article 18

- (1) ISP must perform Termination of Access against Electronic System of Private PSE (access blocking) which is ordered by Minister for its access to be terminated as referred to under Article 15 paragraph (6), paragraph (8), and paragraph (12).
- (2) Termination of Access (access blocking) as referred to in paragraph (1) may only be performed by Minister.
- (3) Termination of Access (access blocking) by ISP as referred to in paragraph (1) and paragraph (2) is performed using procedure, method, and/or technology which are established by Minister.
- (4) In case ISP fails to perform Termination of Access (access blocking) as referred to in paragraph (1), ISP is imposed with sanction in accordance with provisions under laws and regulations.

Article 19

- (1) ISP must display landing page (*laman labuh*) in the course of performing Termination of Access against Electronic System (access blocking) containing Electronic Information and/or Electronic Document that are prohibited and/or facilitate the dissemination of prohibited Electronic Information and/or Electronic Document.
- (2) Landing page (*laman labuh*) as referred to in paragraph (1) does not contain prohibited Electronic Information and/or Electronic Document and/or offer prohibited product in accordance with provisions under laws and regulations.
- (3) Landing page (*laman labuh*) as referred to in paragraph (1) and paragraph (2) refers to the format which is included in Appendix which is an integral part to this Regulation of the Minister.

Fifth Division Normalization

Article 20

- (1) Private PSE whose access to its Electronic System is terminated (access blocking) or Ministry or Agency, may file application for Normalization to Minister.
- (2) Application for Normalization by Private PSE whose access to its Electronic System is terminated (access blocking) as referred to in paragraph (1) is filed by attaching:
 - a. written application letter;
 - b. identity of person in charge for Electronic System and contactable contact number;
 - c. copy of scanned identity card of the owner of and/or person in charge for Electronic System;
 - d. image or screen capture and link or *tautan* (URL) which proves that Electronic System no longer contains prohibited Electronic Information and/or Electronic Document;
 - e. recommendation letter from Ministry or Agency, Law Enforcer, or final and binding court decision; and
 - f. other proof which supports the legitimacy as Private PSE.
- (3) Application for Normalization by Ministry or Agency as referred to in paragraph (1) is filed using written application letter.
- (4) Minister follows-up application for Normalization which fulfills requirements as referred to in paragraph (2) and paragraph (3) within maximum time period of 2x24 (two times twenty-four) hours.
- (5) Minister is authorized to refuse application for Normalization against Electronic System, of which, its access had been terminated (access blocking) for more than 3 (three) times.

CHAPTER V
GRANTING OF ACCESS TO ELECTRONIC SYSTEM AND/OR ELECTRONIC DATA
FOR THE PURPOSES OF SUPERVISION AND ENFORCEMENT OF CRIMINAL LAW

First Division
General

Article 21

- (1) Private PSE must grant access to Electronic System and/or Electronic Data to Ministry or Agency in the event of supervision in accordance with laws and regulations.
- (2) Private PSE must grant access to Electronic System and/or Electronic Data to Law Enforcer in the event of law enforcement in accordance with laws and regulations.
- (3) Procedures for the granting of access to Electronic System and/or Electronic Data for the Purposes of Supervision and Law Enforcement are performed in accordance with provisions in the second division and third division under this Regulation of the Minister.

Second Division

Procedures for the Granting of Access to Electronic System and/or Electronic Data for the Purpose of Supervision

Article 22

- (1) Granting of access as referred to under Article 21 is performed based on request from Ministry or Agency and Law Enforcer.
- (2) Procedures for request of access as referred to in paragraph (1) address aspects which encompass:
 - a. scope of authority of Ministry or Agency in the course of performing supervision and/or law enforcement in accordance with provisions under laws and regulations which become the basis for its authority;

- b. intention and objective, as well as purpose of request of access to Electronic System and/or Electronic Data;
- c. classification of type of access which is needed in accordance with intention and objective, as well as purpose of request of access;
- d. mechanism for protection of rights of Data Subject and interests of third party over access to Electronic System and/or Electronic Data which is requested by Ministry or Agency;
- e. time period for the fulfillment of request of access to Electronic System and/or Electronic Data by Private PSE;
- f. time period for the use of access to Electronic System and/or Electronic Data by Ministry or Agency;
- g. request of access to Electronic System and/or Electronic Data during urgent or emergency condition which is needed to be promptly given by Private PSE;
- h. Contact Person of Ministry or Agency who is able to submit request of access to Electronic System and/or Electronic Data.

Article 23

- (1) Request of access as referred to under Article 21 paragraph (1) is delivered to Private PSE in writing based on assessment (*penilaian*) of the purposes of supervision and proportionality, as well as legality of aspects as referred to under Article 22.
- (2) Scope or type of Electronic System and/or Electronic Data upon request of access as referred to in paragraph (1) is based on provisions under laws and regulations which become the basis for authority of Ministry or Agency in question.

Article 24

Access to Electronic System and/or Electronic Data which is granted by Private PSE to Ministry or Agency may only be used for the purpose of supervision that is mentioned in the request as referred to under Article 23 paragraph (1).

Article 25

- (1) Private PSE should appoint at least one Contact Person whom is domiciled within Indonesian territories that assumes the duty of facilitating request of access to Electronic System and/or Electronic Data that is delivered by Ministry or Agency.
- (2) Contact Person as referred to in paragraph (1) accepts request of access to Electronic System and/or Electronic Data from Contact Person whom has been determined by Ministry or Agency and is delivered to Private PSE.

Article 26

- (1) Private PSE grants access to Electronic Data which is requested by Ministry or Agency in case such request is officially delivered to Contact Person of Private PSE.
- (2) Request of access to Electronic Data as referred to in paragraph (1) should attach:
 - a. basis of authority of Ministry or Agency;
 - b. intention and objective, as well as purpose of request; and
 - c. specific description on type of Electronic Data which is requested.

Article 27

Request as referred to under Article 26 is fulfilled by Private PSE within maximum time period of 5 (five) days after such request was delivered by Contact Person of Ministry or Agency.

Article 28

- (1) Access to Electronic Data which is requested by Ministry or Agency may be granted via link (*tautan*), app which is created by Private PSE, or other method which is agreed between Ministry or Agency and Private PSE.
- (2) The use of access for the purpose of supervision is performed within time period that is in line with the needs and may be held accountable.
- (3) Granting of access to Electronic Data which is requested by Ministry or Agency as referred to in paragraph (1) may be performed through the granting of Electronic Data to Contact Person of Ministry or Agency in question.

Article 29

- (1) Private PSE grants access to Electronic System which is requested by Ministry or Agency in case such request is officially delivered to Contact Person of Private PSE.
- (2) Request of access to Electronic System as referred to in paragraph (1) should attach:
 - a. basis of authority of Ministry or Agency;
 - b. intention and objective, as well as purpose of request;
 - c. specific description of Electronic System which is requested;
 - d. official from Ministry or Agency who will access Electronic System which is requested.
- (3) Ministry or Agency may request technical assistance or other assistance which is necessary from Private PSE for the use of access to Electronic System.
- (4) Granting of access to Electronic System which is requested by Ministry or Agency as referred to in paragraph (1) may be performed through the granting of examination or audit result of Electronic System, of which, the scope of its examination or audit is requested by Ministry or Agency.

Article 30

- (1) Access to Electronic System which is given by Private PSE is limited and confidential in nature.
- (2) Access to Electronic System may only be used by official from Ministry or Agency as determined under Article 29 paragraph (1).
- (3) Granting of access to Electronic System should maintain and protect:
 - a. integrity, availability, and confidentiality of Electronic Data;
 - b. reliability and security of Electronic System; and
 - c. Personal Data which is stored, transmitted, or processed in Electronic System.

Article 31

Request as referred to under Article 29 is fulfilled by Private PSE within maximum time period of 5 (five) days since such request was delivered by Contact Person of Ministry or Agency.

Third Division

Granting of Access to Electronic System and/or Electronic Data for the Purpose of Enforcement of Criminal Law

Article 32

- (1) Private PSE grants access to Electronic Data to Law Enforcer for the purposes of investigation, prosecution, or proceeding of criminal act within the jurisdiction of the Unitary State of the Republic of Indonesia.
- (2) Criminal act as referred to in paragraph (1) is criminal act, of which, the criminal sentence takes form as imprisonment of 2 (two) years at minimum.

Article 33

- (1) Private PSE grants access to Electronic System to Law Enforcer for the purposes of investigation, prosecution, or proceeding of criminal act within the jurisdiction of the Unitary State of the Republic of Indonesia.
- (2) Criminal act as referred to in paragraph (1) is criminal act, of which, the criminal sentence takes form as imprisonment of:
 - a. 5 (five) years at minimum;
 - b. shorter than 5 (five) years, but cannot be shorter than 2 (two) years, provided that it obtains stipulation from district court within the jurisdiction where Law Enforcer has jurisdiction.

Article 34

In case Private PSE performs management, processing, and/or storing of Electronic Data or Electronic System outside Indonesian territories, Private PSE grants access to Electronic Data or Electronic System for the purposes as referred to under Article 32 and Article 33 in relation to:

- a. Indonesian resident; or
- b. Enterprise which is incorporated based on Indonesian law.

Article 35

Access to Electronic System and/or Electronic Data which is granted by Private PSE as referred to under Article 32 and Article 33 may only be used for the purposes of investigation, prosecution, proceeding which are mentioned in request that is delivered by Law Enforcer.

Article 36

- (1) Private PSE grants access to Traffic Data (*data lalu lintas*) and Subscriber Information (*Informasi Pengguna Sistem Elektronik*) which are requested by Law Enforcer in case such request is officially delivered to Contact Person of Private PSE.
- (2) Request of access to Electronic Data as referred to in paragraph (1) should attach:
 - a. basis of authority of Law Enforcer;
 - b. intention and objective, as well as purpose of request;
 - c. specific description on type of Electronic Data which is requested;
 - d. criminal act which is undergoing investigation, prosecution, or proceeding.
- (3) Private PSE grants access to Communication Content which is requested by Law Enforcer in case such request is officially delivered to Private PSE.
- (4) Request of access to Communication Content as referred to in paragraph (3) should attach:
 - a. basis of authority of Law Enforcer;
 - b. intention and objective, as well as purpose of request;
 - c. specific description on type of Electronic Data which is requested;
 - d. criminal act which is undergoing investigation, prosecution, or proceeding;
 - e. order from chief of district court within which such Law Enforcement Agency has jurisdiction.
- (5) Private PSE grants access to Specific Personal Data which is requested by Law Enforcer in case such request is delivered based on provisions as referred to in paragraph (4).

Article 37

Request as referred to under Article 36 is fulfilled by Private PSE within maximum time period of 5 (five) days since such request was delivered by Contact Person of Law Enforcement Institution.

Article 38

- (1) Access to Electronic Data which is requested by Law Enforcer may be granted via link (*tautan*), app which is created by Private PSE, or other method which is agreed between Law Enforcer and Private PSE.
- (2) The use of access for the purpose of law enforcement is performed within reasonable time period and may be held accountable.
- (3) Granting of access to Electronic Data which is requested by Law Enforcer as referred to in paragraph (1) may be performed through the granting of Electronic Data to Contact Person of Law Enforcement Institution in question.

Article 39

- (1) Private PSE grants access to Electronic System which is requested by Law Enforcer in case such request is officially delivered to Contact Person of Private PSE.
- (2) Request of access to Electronic System by Law Enforcer as referred to in paragraph (1) should attach:
 - a. basis of authority of Law Enforcer;
 - b. intention and objective, as well as purpose of request;
 - c. specific description on Electronic System which is requested;
 - d. criminal act which is undergoing investigation, prosecution, or proceeding;
 - e. Law Enforcer who will access Electronic System which is requested;
 - f. order from chief of district court within which such Law Enforcement Institution has jurisdiction.
- (3) Law Enforcer may request technical assistance or other assistance which is necessary from Private PSE for the use of access to Electronic System.
- (4) Granting of access to Electronic System which is requested by Law Enforcer as referred to in paragraph (1) may be performed through the granting of examination

or audit result of Electronic System, of which, the scope of its examination or audit is requested by Law Enforcer.

Article 40

- (1) Access to Electronic System which is delivered by Private PSE is limited and confidential in nature.
- (2) Access to Electronic System may only be used by Law Enforcer as determined under Article 39 paragraph (1).
- (3) Request of access to Electronic System should maintain and protect:
 - a. integrity, availability, and confidentiality of Electronic Data;
 - b. reliability and security of Electronic System; and
 - c. Personal Data which is stored, transmitted, or processed in Electronic System.

Article 41

Request as referred to under Article 39 is granted by Private PSE within maximum time period of 5 (five) days since such request was delivered by Contact Person of Law Enforcement Institution.

Article 42

- (1) Cloud Computing Provider must grant Access to Electronic System and/or Electronic Data in the event of law enforcement as referred to under Article 21 paragraph (2).
- (2) Obligation of granting Access as referred to in paragraph (1) is only for the purpose of emergency situation in relation to:
 - a. terrorism;
 - b. child pornography;
 - c. human trafficking (*perdagangan orang*);
 - d. organized crime; and/or
 - e. emergency situation which threatens life and physical injury, in accordance with laws and regulations.

- (3) Obligation of granting Access as referred to in paragraph (1) and paragraph (2) is fulfilled no later than 5 (five) days since the date of application from Law Enforcer was received.

Fourth Division

Trail of Access to Electronic System and/or Electronic Data for the Purposes of Supervision and Enforcement of Criminal Law

Article 43

- (1) Private PSE must possess audit trail relating to the use of access to Electronic System which is performed by Ministry or Agency.
- (2) Private PSE may perform assessment (*penilaian*) on the impact from the use of access to Electronic System by Ministry or Agency against:
 - a. quality of service which is provided by Private PSE to its Subscriber;
 - b. protection of Personal Data of its Subscriber; and/or
 - c. fulfillment of obligation of Private PSE which is addressed under Indonesian laws and regulations.
- (3) The use of access for the purpose of supervision is performed within reasonable time period and may be held accountable.

Article 44

- (1) Private PSE must possess audit trail on the use of access to Electronic System which is used by Law Enforcer.
- (2) Private PSE may perform assessment (*penilaian*) on the impact from the use of access to Electronic System by Law Enforcer against:
 - a. quality of service which is provided by Private PSE to its Subscriber;
 - b. protection of Personal Data of its Subscriber; and/or
 - c. fulfillment of obligation of Private PSE which is addressed under Indonesian laws and regulations.
- (3) The use of access for the purpose of law enforcement is performed within reasonable time period and may be held accountable.

Fifth Division
Imposition of Administrative Sanction

Article 45

- (1) In case Private PSE does not grant Access as referred to under Article 21, Ministry or Agency, as well as Law Enforcer, may report it to Minister.
- (2) Report as referred to in paragraph (1) is submitted in writing or electronically by attaching related information and document as referred to under this Regulation of the Minister in accordance with the needs of supervision or law enforcement which is performed.
- (3) Minister imposes administrative sanction to Private PSE which does not:
 - a. grant access to Ministry or Agency or Law Enforcer as addressed under Article 21;
 - b. have audit trail as addressed under Article 43 paragraph (1) and Article 44 paragraph (1).
- (4) Administrative sanction as referred to in paragraph (3) takes form as:
 - a. reprimand;
 - b. temporary suspension;
 - c. Termination of Access; and/or
 - d. revocation of Registration Certificate of Electronic System Provider.
- (5) Administrative sanction as referred to in paragraph (4) is delivered via electronic mail (*surat elektronik*) and/or other electronic media.

Article 46

- (1) In case Cloud Computing Provider does not grant Access as referred to under Article 12 paragraph (3) and Article 42, Law Enforcer may report it to Minister.
- (2) Report as referred to in paragraph (1) is submitted in writing or electronically by attaching related information and document as referred to under this Regulation of the Minister in accordance with the needs of law enforcement which is performed.
- (3) Minister imposes administrative sanction to Cloud Computing Provider which does not:

- a. grant access to Law Enforcer as addressed under Article 42;
 - b. have audit trail as referred to under Article 43 paragraph (1) and Article 44 paragraph (1).
- (4) Administrative sanction as referred to in paragraph (3) takes form as:
- a. reprimand; and/or
 - b. revocation of Registration Certificate of Electronic System Provider.
- (5) Administrative sanction as referred to in paragraph (4) is delivered via electronic mail (*surat elektronik*) and/or other electronic media.

CHAPTER VI TRANSITIONAL PROVISIONS

Article 47

Private PSE which is addressed under this Regulation of the Minister must perform registration within maximum time period of 6 (six) months since this Regulation of the Minister enters into force.

CHAPTER VIII FINAL PROVISIONS

Article 48

When this Regulation of the Minister enters into force:

- a. Regulation of the Minister of Communication and Informatics [Number 19 of 2014](#) on Handling of Internet Sites with Negative Contents (Official Gazette of the Republic of Indonesia of 2014 Number 1003); and
 - b. Regulation of the Minister of Communication and Informatics [Number 36 of 2014](#) on Procedures for Registration of Electronic System Providers (Official Gazette of the Republic of Indonesia of 2014 Number 1432),
- are revoked and declared to be invalid.

Article 49

This Regulation of the Minister enters into force on its promulgation date.

For the purposes of public cognizance, it has been ordered that the promulgation of this Regulation of the Minister should be achieved through its publication in the Official Gazette of the Republic of Indonesia.

Established in Jakarta

on 16 November 2020

MINISTER OF COMMUNICATION AND INFORMATICS OF THE REPUBLIC OF
INDONESIA,

signed.

JOHNNY GERARD PLATE

Promulgated in Jakarta

on 24 November 2020

DIRECTOR GENERAL OF LAWS AND REGULATIONS OF
MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed.

WIDODO EKATJAHJANA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 1376