

**JOINT REGULATION OF  
MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA  
AND  
MINISTER OF COMMUNICATION AND INFORMATICS OF THE REPUBLIC OF  
INDONESIA  
NUMBER 14 OF 2015  
NUMBER 26 OF 2015  
ON  
PERFORMANCE OF BANNING OF CONTENTS AND/OR ACCESS RIGHTS OF  
USERS IN REGARDS TO INFRINGEMENT OF COPYRIGHT AND/OR RELATED  
RIGHTS IN ELECTRONIC SYSTEM<sup>1</sup>**

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,  
AND  
MINISTER OF COMMUNICATION AND INFORMATICS OF THE REPUBLIC OF  
INDONESIA,

Considering:

that in order to enforce provisions under Article 56 paragraph (2) of Law [Number 28 of 2014](#) on Copyright, it is deemed necessary to establish Joint Regulation of Minister of Law and Human Rights and Minister of Communication and Informatics on Performance of Banning of Contents and/or Access Rights of Users in Regards to Infringement of Copyright and/or Related Rights in Electronic System;

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In view of:

1. 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);
2. Law [Number 28 of 2014](#) on Copyright (State Gazette of the Republic of Indonesia of 2014 Number 266, Supplement to the State Gazette of the Republic of Indonesia Number 5599);
3. Regulation of the President [Number 44 of 2015](#) on Ministry of Law and Human Rights (State Gazette of 2015 Number 84);
4. Regulation of the President [Number 54 of 2015](#) on Ministry of Communication and Informatics (State Gazette of 2015 Number 96);
5. Regulation of the Minister of Human Rights [Number M.HH-05.OT.01.01 of 2010](#) on Organization and Working Procedures of Ministry of Law and Human Rights of the Republic of Indonesia (Official Gazette of the Republic of Indonesia of 2010 Number 676), as amended by Regulation of the Minister of Law and Human Rights [Number 19 of 2013](#) on Amendment to Regulation of the Minister of Human Rights [Number M.HH-05.OT.01.01 of 2010](#) on Organization and Working Procedures of Ministry of Law and Human Rights of the Republic of Indonesia (Official Gazette of the Republic of Indonesia of 2013 Number 740);
6. Regulation of the Minister of Communication and Informatics [Number 17/PER/M.KOMINFO/10/2010](#) on Organization and Working Procedures of Ministry of Communication and Informatics;

HAVE DECIDED:

To establish:

JOINT REGULATION OF MINISTER OF LAW AND HUMAN RIGHTS AND MINISTER OF COMMUNICATION AND INFORMATICS ON PERFORMANCE OF BANNING OF CONTENTS AND/OR ACCESS RIGHTS OF USERS IN REGARDS TO INFRINGEMENT OF COPYRIGHT AND/OR RELATED RIGHTS IN ELECTRONIC SYSTEM.

## **CHAPTER 1 GENERAL PROVISIONS**

### **Article 1**

Under this Joint Regulation, the following definitions are employed:

1. Copyright is exclusive right of creator which automatically occurs based on declarative principle, after a creation is incorporated in actual form without undermining limitation in accordance with provisions under laws and regulations.
2. Related Rights are rights relating to Copyright which are exclusive rights for performer, phonogram producer, or Broadcasting agency.
3. Creation is any work of copyright within the sectors of science, art and literature, which is produced based on inspiration, ability, thinking, imagination, dexterity, skill, or expertise as expressed in actual form.
4. Product of Related Rights is any work of owner of related rights in the forms of performance, recording, or broadcast.
5. Banning of Content and/or Access Right is measure as performed with the purpose that content which infringes Copyright and/or Related Rights on internet site is inaccessible.

## **CHAPTER II**

### **PROCEDURES FOR FILING OF REPORT ON INFRINGEMENT OF COPYRIGHT**

#### **Article 2**

- (1) Infringement of Copyright and/or Related Rights may be reported to minister who organizes governmental affairs within the sector of law.
- (2) Report as referred to in paragraph (1) may be performed by:
  - a. creator;
  - b. holder of Copyright;
  - c. owner of Related Rights;
  - d. license holder of Copyright or Related Rights;
  - e. National Collective Management Agency of Collective Management Agency;

- f. association which receives authorization; or
  - g. other party which receives authorization.
- (3) Violation as referred to in paragraph (1) is violation as committed through electronic system for commercial use, either directly or indirectly, or incurring losses for the creator, holder of Copyright and/or owner of Related Rights.

### **Article 3**

- (1) Report as referred to under Article 2 is filed in writing using Indonesian language as addressed to minister who organizes governmental affairs within the sector of law through Director General of Intellectual Property.
- (2) Report as referred to in paragraph (1) may be performed:
- a. electronically; and/or
  - b. non-electronically.
- (3) Report as referred to in paragraph (2) should fulfill the following requirements:
- a. identity of reporter;
  - b. evidence of right over Creation and/or Product of Related Rights;
  - c. site address;
  - d. type and/or name of content which infringes Copyright and/or Related Rights;
  - e. type of violation; and
  - f. other statement relating to content which infringes Copyright and/or Related Rights.
- (4) Report as referred to in paragraph (3) should be accompanied with:
- a. copy of identity of reporter;
  - b. copy of proof of ownership of the right;
  - c. site-address document;
  - d. document regarding to infringement of Copyright and/or Related Rights;
  - e. power of attorney, if the report is performed through proxy; and
  - f. other related documents.

#### **Article 4**

- (1) Electronic report as referred to under Article 3 paragraph (2) letter a is performed by filling-out report's application form which is available on official site of Directorate General of Intellectual Property.
- (2) Asides from filling-out report's application form as referred to in paragraph (1), reporter should also upload the result of scanned physical document as referred to under Article 3 paragraph (3) via report's application.
- (3) Electronic report which is admitted past business hours or business days will be processed on the following business day.

#### **Article 5**

Non-electronic report as referred to under Article 3 paragraph (2) letter b is performed by filling-out form and submitting it directly to Directorate General of Intellectual Property, as attached with document as referred to under Article 3 paragraph (4).

#### **Article 6**

- (1) Against [*sic*] report as referred to under Article 4 and Article 5, administrative examination is performed.
- (2) Report which has fulfilled requirements, is recorded in the register on admittance of report on infringement of Copyright and/or Related Rights.

#### **Article 7**

- (1) In case the result of administrative examination as referred to under Article 6 paragraph (1) indicates [*sic*] that report does not fulfill requirements, the report is returned to reporter, as attached with reasons.
- (2) Report which does not fulfill requirements as referred to in paragraph (1) is deemed to be withdrawn.

## CHAPTER III

### PROCEDURES FOR VERIFICATION OF REPORT

#### Article 8

- (1) Minister who organizes governmental affairs within the sector of law performs verification of report which has been registered as referred to under Article 6 paragraph (2).
- (2) In the course of performing verification as referred to in paragraph (1), Director General of Intellectual Property on behalf of the minister who organizes governmental affairs within the sector of law, establishes verification team.
- (3) Verification team for infringement of Copyright and/or Related Rights as referred to in paragraph (2) consists of the following elements:
  - a. ministry which organizes governmental affairs within the sector of law;
  - b. ministry which organizes governmental affairs within the sectors of communication and informatics; and
  - c. association relating to Copyright and/or Related Rights.
- (4) In the course of performing verification, verification team for infringement of Copyright and/or related Rights may involve expert in the sector of Copyright and/or Information Technology or representative from another ministry/agency.
- (5) Verification team as referred to in paragraph (3), assumes the following duties:
  - a. examining veracity of report on infringement of Copyright and/or Related Rights;
  - b. giving consideration on the feasibility or unfeasibility of content and/or access right of user to be banned partially or completely against content which infringes Copyright and/or Related Rights;
  - c. preparing recommendation to verification result; and
  - d. report the verification result to minister which organizes governmental affairs within the sector of law through Director General of Intellectual Property.
- (6) In the course of performing duties as referred to in paragraph (4), verification team may request statement from service provider or content-service provider.

### **Article 9**

Verification of report as referred to under Article 6 is performed within a time period of 3 (three) business days at maximum since the date when report was recorded in the register.

### **Article 10**

- (1) Based on verification result of report, sufficient evidence is found and it is considered to fulfill elements of infringement of Copyright and/or Related Rights, verification team produces recommendation in the forms of partial or complete ban of content which infringes Copyright and/or Related Rights in electronic system or making the electronic-system service to be inaccessible.
- (2) Recommendation as referred to in paragraph (1) is delivered by Director General of Intellectual Property on behalf of the minister who organizes governmental affairs within the sector of law to minister who organizes governmental affairs within the sectors of communication and informatics through Director General of Informatics Application, as attached with reasons.

### **Article 11**

- (1) In case verification result of report, sufficient evidence is not found and it is not considered to fulfill elements of infringement of Copyright and/or Related Rights, verification team delivers verification result of report to minister who organizes governmental affairs within the sector of law through Director General of Intellectual Property.
- (2) Director General of Intellectual Property on behalf of the minister who organizes governmental affairs within the sector of law delivers verification result of report as referred to in paragraph (1) to reporter, as attached with reasons.
- (3) Delivery of report as referred to in paragraph (2) is performed within a time period of 2x24 hours (two times twenty-four hours) at maximum since the date when verification result of report was signed.

### **Article 12**

Recommendation as referred to under Article 10 is delivered by Director General of Intellectual Property on behalf of the minister who organizes governmental affairs within the sector of law, within a time period of 1x24 hour (one time twenty-four hour) at maximum since the date when recommendation was signed, to Minister who organizes governmental affairs within the sectors of communication and informatics through Director [sic] General of Informatics Application.

## **CHAPTER IV**

### **BANNING OF CONTENTS AND/OR ACCESS RIGHTS**

#### **Article 13**

- (1) Minister who organizes governmental affairs within the sectors of communication and informatics performs banning of internet site or blocking or Banning of Content and/or Access Right of user who infringes Copyright and/or Related Rights for a part or all contents based on recommendation as referred to under Article 12.
- (2) In case recommendation declares to be urgent in nature, Banning of Content and/or Access Right of user should be performed within a time period of 1x24 hour (one time twenty-four hour) at maximum.
- (3) Against content and/or access right of user which are not declared in the recommendation to be urgent in nature as referred to in paragraph (2), banning of content and/or access right of user may be performed within a time period of 5x24 hours (five times twenty-four hours) at maximum.

#### **Article 14**

- (1) Banning of Content and/or Access Right of user is stipulated by Director General of Informatics Application on behalf of the minister who organizes governmental affairs within the sectors of communication and informatics.
- (2) Decree on Banning of Content and/or Access Right of user as referred to in paragraph (1) is delivered to Director General of Intellectual Property within a time period of 3 (three) business days at maximum since it was stipulated.



### **Article 15**

Banning of content and/or access right of user which infringe Copyright and/or Related Rights is published on the official website of ministry which organizes governmental affairs within the sectors of communication and informatics.

### **Article 16**

In case banning of internet site or blocking as referred to under Article 13 paragraph (1) is performed for its entirety, within a time period of 14 (fourteen) business days at maximum since the date of decree on banning, minister who organizes governmental affairs within the sector of law invokes court stipulation.

### **Article 17**

Invocation of court stipulation as referred to under Article 16 is accompanied with copy of decree of the minister who organizes governmental affairs within the sectors of communication and informatics.

## **CHAPTER V**

### **UNBANNING OF CONTENT AND/OR ACCESS RIGHT OF USER**

### **Article 18**

- (1) Owner of content and/or user of access right may file application to minister who organizes governmental affairs within the sector of law through Director General of Intellectual Property to unban the Banning of Content and/or Access Right of user.
- (2) Application as referred to in paragraph (1) is filed in writing using Indonesian language which addresses the following reasons:
  - a. inexistence of infringement of Copyright and/or Related Rights;
  - b. existence of cooperation or permit from party as referred to under Article 2 paragraph (2);
  - c. existence of mediation process with reporter of Banning of Content and/or Access Right of user; and/or

- d. stipulation of the judge.
- (3) Application as referred to in paragraph (2) should be accompanied with sufficient supporting evidence.

### **Article 19**

Provisions on procedures for administrative examination and verification of Banning of Content and/or Access Right of user as referred to under Article 6 up to Article 15 prevail in *mutatis mutandis* manner against procedures for administrative examination and verification for unbanning of Banning of Content and/or Access Right.

## **CHAPTER VI LEGAL REMEDIES**

### **Article 20**

- (1) Objection against Banning of Content and/or Access Right of user as referred to under Article 14 paragraph (1) may be filed to Administrative Court.
- (2) Director General of Intellectual Property, on behalf of minister who organizes governmental affairs within the sector of law, delivers recommendation for unbanning of content and/or access right of user to minister who organizes governmental affairs within the sectors of communication and informatics.
- (3) Director General of Informatics Application, on behalf of minister who organizes governmental affairs within the sectors of communication and informatics, unbans Banning of Content and/or Access Right of user within a time period of 2x24 (two times twenty-four) hours since the date of receipt of final and binding court decision.

## **CHAPTER VII FINAL PROVISIONS**

### **Article 21**

Further provisions relating to Implementation of this Joint Regulation, minister who organizes governmental affairs within the sector of law or minister who organizes

governmental affairs within the sectors of communication and informatics, each may establish Regulation and/or Decree of the Minister.



## Article 22

This Joint Regulation enters into force on its promulgation date.

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

Established in Jakarta

on 02 July 2015

MINISTER OF COMMUNICATION AND INFORMATICS OF THE REPUBLIC OF  
INDONESIA

signed.

RUDIANTARA

MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

signed.

YASONNA H. LAOLY

Promulgated in Jakarta  
on

MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed.

YASONNA H. LAOLY

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF NUMBER