

**MINISTER OF COMMUNICATION AND INFORMATICS REGULATION
OF THE REPUBLIC OF INDONESIA
NUMBER 36 OF 2014
REGARDING
THE REGISTRATION PROCEDURE FOR ELECTRONIC SYSTEMS PROVIDERS**

BY THE GRACE OF THE ALMIGHTY GOD

MINISTER OF COMMUNICATION AND INFORMATICS OF THE REPUBLIC OF
INDONESIA

Considering:

Whereas in order to implement the provisions of Article 5 paragraph (5) of Government Regulation No. 82 of 2012 regarding The Implementation of Electronic Systems and Transactions, it is necessary to stipulate the Minister of Communication and Informatics Regulation regarding the Registration Procedure for Electronic System Providers.

In view of:

1. Law Number 11 of 2008 regarding Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2008 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4843);
2. Law Number 39 of 2008 regarding the State Ministries (State Gazette of the Republic of Indonesia Year 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
3. Law No. 25 of 2009 regarding Public Services (State Gazette of the Republic of Indonesia Year 2009 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 5038);
4. President Regulation No. 47 of 2009 regarding the Establishment and Organization of State Ministries as amended by Presidential Regulation No. 13 of 2013 regarding the Fifth Amendment of the Presidential Regulation No. 47 of 2009 regarding the Establishment and Organization of State Ministries;
5. Government Regulation No. 82 of 2012 regarding the Implementation of the Electronic System and Transaction (State Gazette of the Republic of Indonesia Year 2012 Number 189, Supplement to the State Gazette of the Republic of Indonesia Number 5348);
6. Government Regulation No. 96 of 2012 regarding the Implementation of Law No. 25 of 2009 regarding Public Services (State Gazette of the Republic of Indonesia Year 2012 Number 215, Supplement to the State Gazette of the Republic of Indonesia Number 5357);
7. Minister of Communication and Informatics Regulation No. 17/PER/M.KOMINFO/10/2010 regarding the Organization and the Procedure of Ministry of Communication and Informatics.

DECIDES:

Stipulates:

MINISTER OF COMMUNICATION AND INFORMATICS REGULATION REGARDING
THE REGISTRATION PROCEDURE FOR ELECTRONIC SYSTEMS PROVIDERS

CHAPTER I
GENERAL PROVISIONS

Article 1

The interpretation of the following terms under this Minister Regulation shall be:

1. Electronic System, shall mean a set of electronic device and procedure, which serves to prepare, collect, process, analyze, store, perform, announce, deliver, and/or disseminate the Electronic Information.
2. Electronic System Provider shall mean every Person, state administrator, Business Entity, and society, which provides, manages, and/or operates Electronic System whether jointly or severally to the Electronic Systems Users on behalf of himself and/or other parties.
3. Electronic System Implementation shall mean the utilization of Electronic System by the state administrator, Person, Business Entity, and/or society.
4. Public Services shall mean an activity or a series of activities in the fulfillment of the need of services in accordance with the laws and regulations for every citizen and resident toward the goods, services, and/or the administrative services provided by the public service provider.
5. The Person in Charge of Electronic System shall mean the director or the stakeholder equal to the director level or the subordinate which has the authority and/or is responsible to the electronic system possessed or utilized for public services.
6. Paid Digital Material shall mean the similar product in the form of one or several softwares, whether data, application, or other digital products which are traded or commercially transacted.
7. Transmission of the Paid Digital Material is the transmission or transfer of Paid Digital Material from a particular Electronic System to another Electronic System or software from the user side which is in the form of computer or operates as a computer such as Server, Computer, Desktop Computer, Laptop/Notebook/Tablet, or Smartphone.
8. Directorate General is the Directorate General in the field of informatics application.
9. Director is the Director in the field of e-Business.

Article 2

- (1) This Minister Regulation is purported to provide guidance for the Electronic System Provider in conducting Electronic Systems registration.
- (2) The scope of this Minister Regulation, are as follows:
 - a. The determination on the scope of the type of Electronic System which is obligatory to be registered; and
 - b. The procedure on the registration of the Electronic System Provider.

CHAPTER II ELECTRONIC SYSTEM IMPLEMENTATION

Article 3

- (1) The Electronic System Provider for Public Services is obligated to register;
- (2) The Electronic System Provider for non-Public Services may register.

Article 4

- (1) The Electronic System Provider for Public Services includes:
 - a. state administration institution consisting of state institution and/or government institution and/or Provider Working Unit in its area;
 - b. corporation in the form of State Owned Enterprise and/or Regional Owned Enterprise and/or Provider Working Unit in its area;
 - c. independent institution established by the law and/or Provider Working Unit in its area; or
 - d. other legal entity implementing Public Services for the purpose of State's Mission.
- (2) The Electronic Systems Provider for Public Services as set out in paragraph (1) letters a and c are governed under a separate Minister Regulation.

Article 5

- (1) The Electronic System Provider which is obligated to register as set forth in Article 4 paragraph (1) letters b and d is the Electronic Systems Provider which possesses:
 - a. Internet portal, website or online application utilized to facilitate the offering and/or trading of goods and/or services;
 - b. Electronic system which has payment facility and/or other online financial transaction through data communication or internet network;
 - c. Electronic system utilized to process electronic information which comprises or needs fund deposit or something equated with fund;
 - d. Electronic system utilized in the processing, extraction, or storage of data related to the facility connected with the consumer's data for operational activity of serving the public in relation to the financial transaction and trade activities;
 - e. Electronic system utilized to transmit paid digital material through data network whether by downloading through portal/website, e-mail, or other application to the user's device.

- (2) The Electronic System Provider for Public Service as set out in paragraph (1) is governed under a separate Minister Regulation.

Article 6

The Electronic System Provider shall use Indonesian High Level Domain Name for the Electronic System in the form of website.

CHAPTER III

THE PROCEDURE OF REGISTERING ELECTRONIC SYSTEM PROVIDER

Part One

Application of Registration

Article 7

- (1) The registration shall be submitted by the Person in Charge of Electronic System to the Director General c.q. Director.
- (2) In the event that the Electronic System related to the regulatory and other supervisory institution, the registration shall be conducted after the fulfillment of a series of licenses procedure or related to that from the regulatory and supervisory institutions.
- (3) The Electronic Systems Provider may register more than 1 (one) Electronic System.

Article 8

- (1) The submission of the registration application shall include:
- a. the filled form of registration; and
 - b. the enclosing of registration documents.
- (2) The registration documents for the Incorporated Entity Applicant are as follows:
- a. recent company's registration certificate;
 - b. recent statement of domicile of the company;
 - c. the identity of Person in Charge;
 - d. Taxpayer Registration Number;
 - e. Profile of Electronic System Provider;
 - f. technical description of Electronic System; and
 - g. the name of Indonesian High Level Domain Name for the Electronic System in the form of website.
- (3) The registration documents for the Individual Applicant are as follows:
- a. the identity of Person in Charge;
 - b. statement of business domicile of business (if any);
 - c. Taxpayer Registration Number;
 - d. Profile of Electronic System Provider;
 - e. technical description of Electronic System; and
 - f. the name of Indonesian High Level Domain Name for the Electronic System in the form of website.
- (4) The Profile of Electronic System Provider as contemplated under paragraph (2) letter d and paragraph (3) letter c [SSEK1] shall include:
- a. name of entity;
 - b. form of entity;

- c. data of entity; and
 - d. address of entity.
- (5) The Technical Description of Electronic System shall include:
- a. software;
 - b. hardware;
 - c. expert;
 - d. the description on the procedure or organization guidance: utilization of Electronic System, personal data protection, and security system;
 - e. the scope of public services; and
 - f. the description on the interoperability of the other party's Electronic System (if any).

Part Two Document Verification

Article 9

- (1) Upon the enclosing of registration documents, document verification shall be undertaken to ensure the completeness of document.
- (2) The document verification of the registration application is undertaken at the latest 10 (ten) days after the date of the receipt of registration.
- (3) In the event that the completeness of document is not fulfilled or the verification result indicates an incomplete data input, the Director shall give rejection at the latest 2 (two) days after the receipt of such registration.

Part Three The Legalization of Registration

Article 10

- (1) Upon the registration document and the result of complete input verification, Director issues the Registered Certificate 3 (three) days at the latest from the date when the verification result of the input is declared complete.
- (2) Director places the Registered Certificate to the List of Electronic System Provider.

Article 11

- (1) The term of Registered Certificate shall be applicable for 5 (five) years since the legalization date.
- (2) The extension of Registered Certificate is conducted in accordance with the registration procedure as set out in Article 7.
- (3) The registration application for the extension shall be submitted at the latest 5 (five) working days before the previous Registered Certificate expires.

Part Four Data Updates

Article 12

- (1) The change of data in the Electronic System Provider shall be reported to the Director.
- (2) The change of data in the Electronic System Provider as referred to in paragraph (1) is especially related to:
 - a. The change of the Person in Charge for the Electronic System Provider;
 - b. The change of profile of the provider is related to its name and/or domicile;

- c. The change is related to the change of scope of public services for the Electronic Systems Provider for Public Service.

Part Five The Registration Process

Article 13

The process of registration application, legalization, and the entire administration process as referred to in Article 8, Article 9, Article 10, and Article 12 shall be conducted online through internet network.

The forms of registration application, profile of provider, and the technical description as referred to in Article 8 are stipulated in the attachment which constitute as an inseparable part of this Minister Regulation.

Part Six Revocation of Registration Legalization

Article 14

The revocation of Registration Legalization may be undertaken due to these following reasons:

- a. The Electronic System Provider does not report the change of data as contemplated under Article 12 paragraph (2);
- b. The Electronic System Provider violates the provisions of laws and regulations.

CHAPTER IV EVALUATION

Article 15

Director may conduct an evaluation toward the Electronic System Provider on their Electronic System Implementation from time to time.

CHAPTER V CLOSING PROVISION

Article 16

This Minister Regulation shall come into force as of the date of its promulgation.

For public cognizance, hereby ordering the promulgation of this Minister Regulation by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On September 29, 2014
MINISTER OF COMMUNICATION AND
INFORMATICS OF THE REPUBLIC OF
INDONESIA

TIFATUL SEMBIRING

Promulgated in Jakarta,
On September 30, 2014

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

AMIR SYAMSUDDIN

STATE GAZETTE OF THE REPUBLIC OF
INDONESIA YEAR 2014 NO 1432

ATTACHMENT

MINISTER OF COMMUNICATION AND
INFORMATICS REGULATION OF THE
REPUBLIC OF INDONESIA
NUMBER 36 OF 2014
REGARDING THE REGISTRATION
PROCEDURE FOR ELECTRONIC
SYSTEM PROVIDERS

SAMPLE FORM OF REGISTRATION APPLICATION OF ELECTRONIC SYSTEM
IMPLEMENTATION

To:
Director of e-Business
in
Jakarta

[Name of Business Entity] hereby submits the application to register the Electronic System that we will administer for the Public Service *[Write the form of Public Service]*. We also hereby submit the required documents online:

1. Number of Application Letter : *[Number of the Application Letter made by the Provider]*
2. City : *[Insert the city of the Provider's domicile]*
3. Day, Date :
4. Applicant (Person in Charge) : *[Name]*
[Identification Card Number (KTP)]
[Title in the Entity Organization]
5. Contact of Applicant : *[Phone Number 1, Phone Number 2, etc.]*
(Person in Charge) *[Fax Number 1, Fax Number 2, etc.]*
[e-Mail]
[Cellphone Number 1, Cellphone Number 2, etc.]

Agrees to submit the registration application of the Electronic System and has completed documents and/or the required data and shall be responsible for the authenticity of the document and/or the data.

Accepted on ... At ...

Registration Number: ...

(Document accepted on the working day after 14.00 will be processed starting from 09.00 in the next day)

(Document accepted on the working day before 09.00 will be processed starting from 09.00 in the next day)

(Document accepted on the non-working will be processed starting from 09.00 in the next day)

SAMPLE FORM
PROFILE OF THE ELECTRONIC SYSTEM PROVIDER

1. Name of Entity : [Insert Entity Name]
2. Form of Entity : [Personal/Business Entity/Legal Entity/Firm/mention other]
[CV/Firm/PT/Civil Partnership/mention other]
3. Entity Legal Data : [Number and Date of Legalization of Deed of Judiciary Legalization]
[Number and Date of State Gazette of the Republic of Indonesia]
[Number and Date of Company Registration Certificate, Institution issuing Registration Certificate]
4. Entity Address : [Mention Entity's address]
[Building, Floor]
[Street Name followed by Plots Number etc.]
[City, Province, Zip Code]

SAMPLE FORM OF ELECTRONIC SYSTEM TECHNICAL DESCRIPTION

1. HARDWARE SYSTEM CONFIGURATION

[Please provide a picture of hardware configuration and description of the utilized hardware system complemented by a picture of hardware system configuration as well as the internal and external network connections]

Note: for the provider establishing his own electronic system, to explain/stipulate the type of device, brand, and type of device which has been series numbered (by Director of Standardization)

2. SOFTWARE SYSTEM CONFIGURATION

[Please provide picture of software regarding the utilized software system and complemented by picture of software system configuration as well as the internal and in the side of Electronic Systems users interface displays]

3. EXPERT COMPOSITION

[Please provide the composition of expert planned to complement Electronic Systems operation, please mention the type and level of expertise, and the number of expert for each expertise]

[Type of expert, level of expertise, and the number of expert]

4. GOVERNANCE GUIDANCE

[Please provide the list of documents for Electronic System Governance which covers inter alia: the promised level of service, the promised level of information security, information security, and the appropriate internal communication tool]

5. EXPLANATION OF SECURITY SYSTEM

[Please explain the provision of audit track record of the Electronic System Implementation activity]

[Please provide the procedure and tool for Electronic System security to prevent disruption failure and other risk of loss.]

[Please provide the capacity of Electronic System in redisplaying the electronic information and/or the entire electronic document.]

[Please provide what type(s) of information that will be published to the Electronic System users.]

[Please provide how the provider provides information from Electronic System shall there be any valid request (lawful) from the law enforcement institution.]

6. PROCEDURE OF PERSONAL DATA PROTECTION

[Please provide how the Provider applies the guarantee of personal data protection in accordance with the needs of laws and regulations.]

[Please provide the responsibility of the provider toward the Electronic System users shall there be any failures in the protection of personal data organized by the Provider or within Electronic System.]

7. SCOPE OF PUBLIC SERVICES

[Please provide details of the Public Services provided to the Electronic System Users.]

[Please provide details of education conducted to the Electronic System Users.]

[Please explain the handling of submission of complaint procedure by the Electronic System Users.]

[Please explain the features provided by the Electronic System in the Public Services including and not limited to do correction, to cancel order, to provide confirmation/re-confirmation, to elect to continue or to cease the subsequent activity, to see the delivered information, to check the status of success or failure in the utilization of electronic transaction, and to read an agreement before engaging an electronic transaction]

8. DESCRIPTION OF THE INTEROPERABILITY WITH OTHER PARTY'S ELECTRONIC SYSTEM (IF ANY)

[Please explain whether the Electronic System is connected to other party's Electronic System for the need of service interoperability, such as: payment transaction from one provider of Payment System in which the proceed of the payment transaction shall be

interoperable with the other party's electronic system such as ticketing system, school registration, or other form of services.]

**MINISTER OF COMMUNICATION AND INFORMATICS
OF THE REPUBLIC OF INDONESIA**

TIFATUL SEMBIRING