Type: GOVERNMENT REGULATION (PP)

By: THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Number: 82 YEAR 2012 (82/2012)

Date: OCTOBER 12, 2012 (JAKARTA)

Reference: LN 2012/189; TLN NO 5348

Title: ORGANIZATION OF ELECTRONIC SYSTEM AND TRANSACTION

BY THE GRACE OF THE ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

whereas for the implementation of provisions of Article 10 paragraph (2), Article 11 paragraph (2), Article 13 paragraph (6), Article 16 paragraph (2), Article 17 paragraph (3), Article 22 paragraph (2), and Article 24 paragraph (4) of Law Number 11 Year 2008 regarding Electronic Information and Transaction, it is necessary to stipulate Government Regulation regarding Organization of Electronic System and Transaction;

In view of:

1. Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 11 Year 2008 regarding Electronic Information and Transaction (State Gazette of the Republic of Indonesia Year 2008 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4843);

HAS DECIDED:

To stipulate: GOVERNMENT REGULATION REGARDING ORGANIZATION OF ELECTRONIC SYSTEM AND TRANSACTION.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Government Regulation, referred to as:

1. Electronic System shall be a series of electronic equipment and procedures for preparing, collecting, processing, analyzing, storing, displaying, announcing, delivering, and/or disseminating Electronic Information.

2. Electronic Transaction shall be a legal act taken by using Computer, Computer network, and/or other electronic media.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

3. Electronic Agent shall be Electronic System equipment made to prompt an action on a particular Electronic Information automatically which is organized by a Person.

4. Electronic System Organizer shall be any Person, state administrator, Business Entity, and public that provides, manages, and/or operates an Electronic System, individually and jointly for an Electronic System User for its own interest and/or other party.

5. Sector Supervisory and Regulatory Institution shall be an institution having the duty of supervising the performance of duties of the sector and issuing regulation to be applied by the relevant sector for example banking sector and transportation sector.

6. Electronic Information shall be a single or a collection of electronic data, including but not limited to writing, audio, image, map, design, photograph, electronic data interchange (EDI), electronic mail, telegram, telex, telecopy or the kind, letters, signs, numbers, access codes, symbols, or perforation that has been processed and has a meaning or is understandable by a person who has the ability to understand the same.

7. Electronic Document shall be every Electronic Information that is produced, distributed, sent, received, or stored in an analog form, digital, electromagnetic, optical, or the kind, which is visible, displayable, and/or audible through a computer or Electronic System, including but not limited to writing, audio, image, map, design, photograph or the kind, letters, signs, numbers, access codes, symbols, or perforation that has a meaning or is understandable by person who has the ability to understand the same.

8. Information Technology shall be a technique used to collect, prepare, store, process, announce, analyze, and/or disseminate information.

9. Electronic System User shall be every Person, state administrator, Business Entity, and the public that utilizes goods, services, facilities, or information provided by the Electronic System Organizer.

10. Hardware shall be a single or a series of devices connected in an Electronic System.

11. Software shall be a single or collection of computer programs, procedures, and/or related documentation in Electronic System operation.

12. Certification of Electronic System Feasibility shall be a series of inspection and testing process conducted by an authorized and competent institution to ensure that an Electronic System is properly functioning.

13. Access shall be an activity of interacting with Electronic System on an independent basis or in the network.

14. Organization of Electronic Transaction shall be a series of Electronic Transaction activities conducted by the Sender and Receiver by using an Electronic System.

15. Electronic Contract shall be an agreement entered into by the parties through an Electronic System.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

16. Sender shall be a legal subject that sends Electronic Information and/or Electronic Document.

17. Receiver shall be a legal subject that receives Electronic Information and/or Electronic Document from the Sender.

18. Electronic Certificate shall be a certificate of electronic nature containing an Electronic Signature and identity that shows the status of legal subject of the parties to an Electronic Transaction as issued by the electronic certification administrator.

19. Electronic Signature shall be a signature that consists of Electronic Information and is attached, associated or related to other Electronic Information used as instrument for verification and authentication.

20. Signatory shall be a legal subject that is associated or related to Electronic Signature.

21. Organizer of Electronic Signature shall be a legal entity as a reliable party facilitating the production of Electronic Signature.

22. Electronic Signature Service Support shall be a legal entity which serves as a support for the administration of use of Electronic Signature.

23. Data on Electronic Signature Production shall be a personal code, biometric code, cryptography code, and/or code produced from the modification of manual signature to become Electronic Signature, including other code produced from the development of Information Technology.

24. Trustworthy Certification Institution shall be an independent institute established by professionals as recognized, legalized, and supervised by the Government which has the authority to audit and issue a Certificate of Reliability for an Electronic Transaction.

25. Certificate of Reliability shall be a document stating that a Business Actor that organizes Electronic Transaction has passed the audit or compatibility test from a Trustworthy Certification Institution.

26. Business Actor shall be any individual or business entity, either incorporated or non-incorporated, which is established and domiciled or conducts activities in the jurisdiction of the Republic of Indonesia, individually or jointly, through an agreement to carry out business activities in various economic sectors.

27. Personal Data shall be data of a particular individual which are stored, maintained and which validity is maintained and its confidentiality is kept.

28. Domain Name shall be the internet address of a state administrator, Person, Business Entity, and/or public, which may be used in communication through internet, in the form of unique code or structure of characters to indicate a particular location in the internet.

29. Domain Name Registry shall be an organizer responsible for the management, operation, and maintenance of Organization of Electronic System Domain Name.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

30. Domain Name Registrar shall be a Person, Business Entity, or public that provides Domain Name registration services.

31. Domain Name User shall be a Person, State Administration Institution, Business Entity, or public that applies for registration to use a Domain Name to the Domain Name Registrar.

32. State Administration Institution, hereinafter referred to as Institution, shall be a legislative, executive, and judicative institution at the central and regional level and other institutions established under laws and regulations.

33. Person shall be an individual, whether Indonesian citizen, foreign citizen, as well as legal entity.

34. Business Entity shall be an individual or associated company, either incorporated or non-incorporated.

35. Minister shall be a minister who organizes governmental affairs in the field of communication and informatics.

Article 2

This Government Regulation shall govern as follows:

a. the Organization of Electronic System;
b. the organizer of Electronic Agent;
c. the Organization of Electronic Transaction;
d. Electronic Signature;
e. the organization of electronic certification;
f. Trustworthy Certification Institution; and
g. the management of Domain Name.

CHAPTER II
ORGANIZATION OF ELECTRONIC SYSTEM

Part One
General

Article 3

(1) Organization of Electronic System shall be managed by an Electronic System Organizer.

(2) Organization of Electronic System as referred to in paragraph (1) may be carried out for the purposes of:

a. public service; and
b. non-public service.

(3) Criteria of public service as referred to in paragraph (2) letter a shall refer to the provisions of laws and regulations.

Article 4

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Organization of Electronic System as referred to in Article 3 paragraph (1) shall include regulations on:

a. registration;
b. Hardware;
c. Software;
d. expert staff;
e. management;
f. security;
g. Certification of Electronic System Feasibility; and
h. supervision.

Part Two
Registration

Article 5

(1) Electronic System Organizer for public service is required to apply to registration.

(2) Electronic System Organizer for non-public service may apply registration.

(3) Obligation to apply for registration for Electronic System Organizer for public service as referred to in paragraph (1) shall be fulfilled before the Electronic System is used by the public.

(4) Registration as referred to in paragraph (1) and paragraph (2) shall be submitted to the Minister.

(5) Further provisions regarding procedures of registration as referred to in paragraph (1) and paragraph (2) shall be set forth in a Minister Regulation.

Part Three
Hardware

Article 6

(1) Hardware used by Electronic System Organizer must:

a. meet the aspects of interconnectivity and compatibility with the system used;

b. obtain certificate of feasibility from the Minister;

c. have technical support, maintenance, and after-sales services from the vendor or provider;

d. have supporting reference from other users that the Hardware is functioning in accordance with its specification;

e. have guarantee on the availability of spare parts for at least 3 (three) years;

f. have guarantee that the newness condition is clear; and

g. have guarantee that the products are free from defects.

(2) Electronic System Organizer must ensure the neutrality of technology and freedom to select the use of Hardware.

(3) The Minister shall determine the technical standard of Hardware used by the Electronic System Organizer.

(4) Further provisions regarding the technical standard of Hardware as referred to in paragraph (3) shall be set forth in a Minister Regulation.

Part Four
Software

Article 7

(1) Software used by Electronic System Organizer for public service must:

a. be registered at the ministry that organizes governmental affairs in the field of communication and informatics;

b. have a proper guarantee as its security and operation reliability; and

c. be in accordance with the provisions of laws and regulations.

(2) Further provisions regarding requirements of Software as referred to in paragraph (1) shall be set forth in a Minister Regulation.

Article 8

(1) Provider that develops Software specifically made for an Institution must provide the relevant Institution with the source code and documentation of Software.

(2) In the event that it is impossible to provide the source code and documentation of Software as referred to in paragraph (1), provider may provide the source code and documentation of Software to a reliable third party to store the source code.

(3) Provider must guarantee the acquisition and/or access to source code and documentation of Software to the reliable third party as referred to in paragraph (2).

Article 9

(1) Electronic System Organizer must guarantee the confidentiality of source code of the Software used.

(2) The source code as referred to in paragraph (1) may be inspected, if necessary, for the purpose of investigation.

Part Five
Expert Staff

Article 10

(1) Expert staff employed by Electronic System Organizer must have competence in the field of Electronic System or Information Technology.

(2) Expert staff as referred to in paragraph (1) must have a certificate of expertise.

Article 11

(1) Organization of Electronic System of strategic nature must employ expert staff of Indonesian citizen.

(2) In the event that no expert staff of Indonesian citizen is available, Electronic System Organizer may use foreign expert staff.

(3) Provisions on the position of expert staff in the Organization of Electronic System of strategic nature shall be subject to the provisions of laws and regulations.

(4) Further provisions regarding competence of expert staff shall be set forth in a Minister Regulation.

Part Six
Electronic System Management

Article 12

(1) Electronic System Organizer must guarantee:

a. the availability of service-level agreement;

b. the availability of information security agreement for the Information Technology service used; and

c. the security of information and internal communication facility that it organizes.

(2) Electronic System Organizer as referred to in paragraph (1) must guarantee that every component and the integrity of the entire Electronic System are operating properly.

Article 13

Electronic System Organizer must apply risk management for any damage or loss that it causes.

Article 14

(1) Electronic System Organizer must have management policy, operating work procedures, and periodical audit mechanism for the Electronic System.

(2) Further provisions regarding management policy, operating work procedures, and audit mechanism as referred to in paragraph (1) shall be set forth in a Minister Regulation.

Article 15

(1) Electronic System Organizer must:

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

a. maintain the confidentiality, integrity, and availability of Personal Data that it manages;

b. guarantee that any acquisition, use, and utilization of Personal Data are subject to approval from the owner of Personal Data, unless determined otherwise by laws and regulations; and

c. guarantee that any use or disclosure of data is subject to approval from the owner of Personal Data and in accordance with the purpose that the owner of Personal Data provides at the time of data acquisition.

(2) In the event of failure to protect the confidentiality of Personal Data that it manages, Electronic System Organizer must notify this in writing to the owner of such Personal Data.

(3) Further provisions regarding guidelines on the protection of Personal Data in Electronic System as referred to in paragraph (2) shall be set forth in a Minister Regulation.

Article 16

(1) Electronic System Organizer for public service must apply good and accountable management.

(2) Management as referred to in paragraph (1) shall meet the minimum requirements as follows:

a. that procedures or guidelines for the Organization of Electronic System which is documented and/or announced with language, information, or symbol understandable by the party associated with the Organization of Electronic System are available;

b. there exists continuous mechanism to maintain the novelty and clarity of procedures for implementing guidelines;

c. there exists supporting personnel institution and instrument for proper operation of Electronic System;

d. that the performance management is applied to the Electronic System which it organizes to ensure the proper operation of Electronic System; and

e. there is a plan for maintaining the continuity of Organization of Electronic System that it manages.

(3) Other than the requirements as referred to in paragraph (2), the relevant Sector Supervisory and Regulatory Institution may specify other requirements as set forth in laws and regulations.

(4) Further provisions regarding guidelines on the management of Electronic System for public service shall be set forth in a Minister Regulation.

Article 17

(1) Electronic System Organizer for public service must have an activity sustainability plan in order to address any interruption or disaster in accordance with risks posed by the impact that it causes.

(2) Electronic System Organizer for public service must place a data center and disaster recovery center in Indonesian territory for the purpose of law enforcement, protection, and enforcement of state sovereignty with respect to their citizens' data.

(3) Further provisions regarding obligation to place data center and disaster recovery center in Indonesian territory as referred to in paragraph (2) shall be set forth by the relevant Sector Supervisory and Regulatory Institution in accordance with the provisions of laws and regulations in coordination with the Minister.

Part Seven
Protection of Organization of Electronic System

Article 18

(1) Electronic System Organizer must provide audit trail which has been conducted on all activities of Organization of Electronic System.

(2) Audit trail as referred to in paragraph (1) shall be used for the purpose of supervision, law enforcement, dispute settlement, verification, testing, and other examination.

Article 19

Electronic System Organizer must secure the components of Electronic System.

Article 20

(1) Electronic System Organizer must have and execute Electronic System security procedures and facilities in order to prevent any interruption, failure, and loss.

(2) Electronic System Organizer must provide protection system covering procedures and prevention and mitigation system against any threats and attacks which may cause interruption, failure, and loss.

(3) In the event of system failure or interruption which has serious impact as a consequence of action prompted by another party to the Electronic System, Electronic System Organizer must protect the data and immediately report it in the first instance to the law enforcers or the relevant Sector Supervisory and Regulatory Institution.

(4) Further provisions regarding protection system as referred to in paragraph (2) shall be set forth in a Minister Regulation.

Article 21

Electronic System Organizer must display again the entire Electronic Information and/or Electronic Document in accordance with the format and retention period as set forth based on the provisions of laws and regulations.

Article 22

(1) Electronic System Organizer must maintain the confidentiality, integrity, authentication, accessibility, availability, and traceability of an Electronic Information and/or Electronic Document in accordance with the provisions of laws and regulations.

(2) Electronic Information and/or Electronic Document which in the organization of Electronic System are transferable must be unique and describe their control and ownership.

Article 23

Electronic System Organizer must guarantee that the Electronic System is functioning in accordance with its purpose, by constantly taking into account its interoperability and compatibility with the previous Electronic System and/or the relevant Electronic System.

Article 24

(1) Electronic System Organizer must provide education to Electronic System User.

(2) Education as referred to in paragraph (1) shall at least concern with the rights, obligations and responsibilities of all related parties, as well as grievance procedures.

Article 25

Electronic System Organizer must provide the Electronic System User information regarding, at least:

a. identity of Electronic System Organizer;
b. object of transaction;
c. feasibility or security of Electronic System;
d. procedures on equipment use;
e. terms of contract;
f. procedures of agreement; and
g. guarantee of Personal Data privacy and/or protection.

Article 26

(1) Electronic System Organizer must provide features in accordance with characteristics of Electronic System that it uses.

(2) Features as referred to in paragraph (1) shall at least include facilities:

a. to make correction;

b. to cancel instructions;

c. to give confirmation or reconfirmation;

d. to choose whether to proceed to the next activities or not;

e. see the information provided in the form of contract or advertisement offer; and/or

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

f. check the status whether the transaction is successful or fails.

Article 27

Electronic System Organizer must protect its users and the public from any loss caused by the Electronic System that it organizes.

Article 28

(1) Any person working in the organization of Electronic System must secure and protect the Electronic System facilities and infrastructure or information disseminated through Electronic System.

(2) Electronic System Organizer must supply, educate, and train personnel on duty and in charge of the security and protection of Electronic System facilities and infrastructure.

Article 29

For the purpose of criminal proceedings, Electronic System Organizer must provide information available in the Electronic System or information produced by the Electronic System upon a formal request from the investigator for a particular criminal act in accordance with his/her authorities as set forth in law.

Part Eight
Electronic System Feasibility Certification

Article 30

(1) Electronic System Organizer for public service must have a Certificate of Electronic System Feasibility.

(2) Certificate of Electronic System Feasibility as referred to in paragraph (1) shall be obtained after completion of the process of Electronic System Feasibility Certification.

(3) The obligation as referred to in paragraph (1) may apply to all or part of components in the Electronic System in accordance with the characteristics of needs for protection and strategic nature of the organization of Electronic System.

(4) The enforcement of provisions as referred to in paragraph (1) and paragraph (2) shall be set forth by the Minister in coordination with the management of the relevant Sector Supervisory and Regulatory Institution.

Article 31

(1) Certificate of Electronic System Feasibility as referred to in Article 30 shall be granted by the Minister.

(2) Standards and/or technical requirements used in the process of Electronic System Feasibility Certification shall be set forth by the Minister.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

(3) The relevant Sector Supervisory and Regulatory Institution may determine other technical requirements in the context of Electronic System Feasibility Certification in accordance with the needs of each sector.

Article 32

(1) The Minister may delegate the authority to grant the Certificate of Electronic System Feasibility to the certification institution recognized by the Minister.

(2) The granting of Certificate of Electronic System Feasibility as referred to in paragraph (1) must take into account the standards and/or technical requirements set forth by the Minister and the relevant Sector Supervisory and Regulatory Institution.

(3) Further provisions regarding procedures on Electronic System Feasibility Certification and certification institution shall be set forth in a Minister Regulation.

Part Nine
Supervision

Article 33

(1) The Minister shall have the authority to supervise the organization of Electronic System.

(2) Supervision as referred to in paragraph (1) shall include monitoring, control, examination, search, and security.

(3) Provisions regarding the supervision of the organization of Electronic System in particular sector must be drawn up by the relevant Sector Supervisory and Regulatory Institution in coordination with the Minister.

CHAPTER III
ORGANIZER OF ELECTRONIC AGENT

Part One
Electronic Agent

Article 34

(1) Electronic System Organizer may organize its own Electronic System or through the Organizer of Electronic Agent.

(2) Electronic Agent may take the form as follows:

a. visual;
b. audio;
c. electronic data; and
d. other form.

Article 35

(1) Electronic Agent must include or provide information to protect the rights of user including at least information on:

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

a. the identity of organizer of Electronic Agent;
b. the object of transaction;
c. feasibility or security of Electronic Agent;
d. procedures on equipment use; and
e. call center telephone number.

(2) Electronic Agent must include or provide features in order to protect the rights of the user in accordance with characteristics of Electronic Agent used.

(3) Features as referred to in paragraph (2) may include facilities:

a. to make correction;

b. to cancel instructions;

c. to give confirmation or reconfirmation;

d. to choose whether to proceed to the next activities or not;

e. see the information provided in the form of contract or advertisement offer; and/or

f. check the status whether the transaction is successful or fails.

Article 36

(1) Electronic Agent may be organized for more than one interest of Electronic System Organizer based on agreement among the parties.

(2) Agreement as referred to in paragraph (1) must include, at least:

a. rights and obligations;
b. responsibility;
c. mechanism of complaints and settlement of disputes;
d. term;
e. fees;
f. scope of service; and
g. legal option.

(3) In the event that an Electronic Agent is organized for more than one interest of Electronic System Organizer, the organizer of Electronic Agent must give equal treatment to the Electronic System Organizer using the Electronic Agent.

(4) In the event that an Electronic Agent is organized for the interest of more than 1 (one) Electronic System Organizer, the organizer of Electronic Agent shall be deemed as a separate Electronic System Organizer.

Part Two
Registration

Article 37

(1) Organizer of Electronic Agent must register itself as the organizer of Electronic Agent to the Minister.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

(2) Registration of organizer of Electronic Agent as referred to in paragraph (1) that meets the requirements shall be included in the list of organizers of Electronic Agent by the Minister.

(3) Further provisions regarding procedures and requirements on registration as referred to in paragraph (1) and paragraph (2) shall be set forth in a Minister Regulation.

Part Three
Obligation

Article 38

(1) In the organization of Electronic Agent, organizer of Electronic Agent must comply with the principles as follows:

a. prudence;
b. security and integration of Information Technology system;
c. security control of Electronic Transaction activities;
d. cost effectiveness and efficiency; and
e. consumer protection in accordance with the provisions of laws and regulations.

(2) Organizer of Electronic Agent must have and execute standard operating procedures which meet the principle of security control of user data and Electronic Transaction.

(3) Principle of security control of user data and Electronic Transaction as referred to in paragraph (2) shall include:

a. confidentiality;
b. integrity;
c. availability;
d. authentication;
e. authorization; and
f. non-repudiation.

Article 39

(1) Organizer of Electronic Agent must:

a. test the identity authentication and examine the authorization of Electronic System User conducting an Electronic Transaction;

b. have and implement policies and procedures to initiate an action if there is an indication of data theft;

c. ensure control over the authorization and access right to the system, database, and application of Electronic Transaction;

d. prepare and use methods and procedures to protect and/or maintain the confidentiality of data integrity, records, and information related to Electronic Transaction;

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

e. have and apply standard and control of the utilization and protection of data if the service provider has access to the data;

f. have a business continuity plan including effective contingency plan to ensure the availability of sustainable Electronic Transaction system and service; and

g. have procedures for handling unforeseen incident rapidly and appropriately to reduce the impacts of incident, fraud, and failure of Electronic System.

(2) Organizer of Electronic Agent must prepare and stipulate procedures to guarantee Electronic Transaction to prevent consumer's rejection.

CHAPTER IV
ORGANIZATION OF ELECTRONIC TRANSACTION

Part One
Scope of Organization of Electronic Transaction

Article 40

(1) Organization of Electronic Transaction may be managed within public or private scope.

(2) Organization of Electronic Transaction in public scope shall include:

a. organization of Electronic Transaction by Institution or by other party providing public service to the extent it is not excluded by Law regarding Electronic Information and Transaction; and

b. organization of Electronic Transaction in other public scope as set forth in the provisions of laws and regulations.

(3) Organization of Electronic Transaction in private scope shall include Electronic Transaction:

a. among Business Actor;
b. between Business Actor and consumers;
c. interpersonal;
d. inter-Institution; and
e. between Institution and Business Actor in accordance with the provisions of laws and regulations.

(4) Organization of Electronic Transaction in public or private scope as referred to in paragraph (2) and paragraph (3) which utilizes Electronic System for public service, shall comply with the provisions in this Government Regulation.

Part Two
Requirements on the Organization of Electronic Transaction

Article 41

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

(1) Organization of Electronic Transaction in public or private scope that utilizes Electronic System for the interest of public service must use Certificate of Reliability and/or Electronic Certificate.

(2) In the event that a Certificate of Reliability is used, the organization of Electronic Transaction in public scope must be certified by a registered Indonesian Reliability Certification Institution.

(3) In the event that Electronic Certificate is used, the organization of Electronic Transaction in public scope must utilize the service of a certified Indonesian electronic certification administrator.

Article 42

(1) Organization of Electronic Transaction in private scope may use Certificate of Reliability and/or Electronic Certificate.

(2) In the event that Certificate of Reliability is used, the organization of Electronic Transaction in private scope may be certified by a registered Indonesian Reliability Certification Institution.

(3) In the event that an Electronic Certificate is used, the organization of Electronic Transaction in private scope may use the service of registered Indonesian electronic certification administrator.

Article 43

(1) Organization of Electronic Transaction in the territory of the Republic of Indonesia must:

a. take into account the aspects of security, reliability, and efficiency;

b. store data on domestic transactions;

c. use national gate, if the organization involves more than one Electronic System Organizer; and

d. use domestic Electronic System network.

(2) In the event that no national gate and Electronic System network as referred to in paragraph (1) letter c and letter d are available, the organization of Electronic Transaction may use other means or facilities from overseas, subject to approval from the relevant Sector Supervisory and Regulatory Institution.

(3) With respect to compliance as referred to in paragraph (1), the parties to Electronic Transaction must take into account laws and regulations from the relevant Sector Supervisory and Regulatory Institution.

Article 44

(1) Sender must ensure that the Electronic Information which is delivered is correct and not annoying.

(2) Further provisions regarding the delivery of Electronic Information shall be set forth in a Minister Regulation.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Article 45

(1) If needed, a particular institution may organize specific Electronic Transaction.

(2) Provisions regarding specific Electronic Transaction shall be regulated separately by the relevant Sector Supervisory and Regulatory Institution.

Part Three
Requirements on Electronic Transaction

Article 46

(1) Electronic Transaction performed by the parties shall have legal consequences on such parties.

(2) Organization of Electronic Transaction performed by the parties must take into account:

a. good faith;
b. principle of prudence;
c. transparency;
d. accountability; and
e. fairness.

Article 47

(1) Electronic Transaction may be performed based on Electronic Contract or other contractual form as form of agreement entered into by the parties.

(2) Electronic Contract shall be deemed valid if:

a. there is an agreement between the parties;

b. it is executed by competent legal subject or who has the authority to represent in accordance with the provisions of laws and regulations;

c. the matters are specific; and

d. transaction object must not in conflict with laws and regulations, morality, and public order.

Article 48

(1) Electronic Contract and other forms of contract as referred to in Article 47 paragraph (1) which are for Indonesian resident must be drawn up in Indonesian Language.

(2) Electronic Contract drawn up with standard clauses must comply with provisions on standard clauses as set forth in laws and regulations.

(3) Electronic Contract shall include at least:

a. data on the identities of the parties;

b. object and specification;

c. requirements on Electronic Transaction;

d. price and costs;

e. procedures in the event of cancellation by the parties;

f. provision that entitles the injured party to be able to return the goods and/or request for a replacement product if there is hidden defect; and

g. choice of law for the settlement of Electronic Transaction.

Article 49

(1) Business Actor that offers product through Electronic System must provide complete and correct information in relation to the term of the contract, producer, and product offered.

(2) Business Actor must provide clarity as to the information on the offer contract or advertisement.

(3) Business Actor must provide time limit to consumer to return the delivered goods if it is not in accordance with the agreement or there is a hidden defect.

(4) Business Actor must provide information on the delivered goods.

(5) Business Actor may not impose the obligation to pay the goods that are delivered without any contract basis on consumer.

Article 50

(1) Electronic Transaction shall occur upon the agreement of the parties.

(2) Agreement as referred to in paragraph (1) shall occur upon the receipt and approval of transaction offer from the Sender by the Receiver.

(3) Agreement as referred to in paragraph (2) may be stated by way of:

a. an action of acceptance which states an approval; or
b. an action of acceptance and/or use of object by Electronic System User.

Article 51

(1) In the organization of Electronic Transaction, the parties must guarantee:

a. that the data and information are correct; and
b. that facility and service as well as settlement of complaints are available.

(2) In the organization of Electronic Transaction, the parties must determine the choice of law in proportion to the implementation of Electronic Transaction.

CHAPTER V
ELECTRONIC SIGNATURE

Part One
General

Article 52

(1) Electronic Signature shall serve as an instrument for the authentication and verification of:

a. the identity of Signatory; and
b. the integrity and authentication of Electronic Information.

(2) Electronic Signature in Electronic Transaction shall be the approval of Signatory to the Electronic Information and/or Electronic Document as signed with Electronic Signature.

(3) In the occurrence of misapplication of Electronic Signature as referred to in paragraph (2) by other unauthorized party, the Electronic System Organizer shall assume responsibility to prove the misuse of Electronic Signature.

Article 53

(1) Electronic Signature used in the Electronic Transaction may be produced through various procedures of signing.

(2) Electronic Signature as referred to in paragraph (1) shall have valid legal force and legal consequences, if:

a. Electronic Signature Production Data are only relevant to Signatory;

b. Electronic Signature Production Data during the signing process are under the authority of Signatory;

c. all modifications to Electronic Signature that occur after the signing may be identified;

d. all modifications to Electronic Information in relation the Electronic Signature after the signing may be identified;

e. there is a particular method used to identify who is the Signatory; and

f. there is a particular method to indicate that Signatory has given approval to the relevant Electronic Information.

(3) Provision as referred to in paragraph (2) letter d shall be valid insofar as the Electronic Signature is used to guarantee the integrity of Electronic Information.

Part Two
Types of Electronic Signature

Article 54

(1) Electronic Signature shall include:

a. certified Electronic Signature; and

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

b. non-certified Electronic Signature.

(2) Certified Electronic Signature as referred to in paragraph (1) letter a must meet the requirements as follows:

a. it is produced by using the service of electronic certification administrator; and

b. it is proven with Electronic Certificate.

(3) Non-certified Electronic Signature as referred to in paragraph (1) letter b shall be produced without using the service of electronic certification administrator.

Part Three
Electronic Signature Production Data

Article 55

(1) Electronic Signature Production Data must refer uniquely only to the Signatory and may be used to identify the Signatory.

(2) Electronic Signature Production Data as referred to in paragraph (1) may be produced by Organizer of Electronic Signature or Electronic Signature Service Support.

(3) Electronic Signature Production Data as referred to in paragraph (1) and paragraph (2) must comply with the provisions, as follows:

a. security and confidentiality of all processes in the generation of Electronic Signature Production Data are guaranteed by the Organizer of Electronic Signature or Electronic Signature Service Support;

b. if using cryptography code, Electronic Signature Production Data must not be easily recognized from the verification of data on Electronic Signature using particular calculation, within a particular period, and using proper device;

c. Electronic Signature Production Data are stored in an electronic media that is under the control of Signatory; and

d. data relevant to Signatory must be stored in a place or data storage facility, which uses a reliable system owned by the Organizer of Electronic Signature or Electronic Signature Service Support that is able to detect any modification and meets the requirement that:

1. only the authorized person who is able to input new data, modify, exchange, or replace data;
2. authentication of information on the identity of the Signatory may be verified; and

3. other technical changes that violate the security requirements may be detected or identified by organizer.

(4) Signatory must maintain the confidentiality and be responsible for Electronic Signature Production Data.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Part Four
Signing Process

Article 56

(1) In the signing process, a mechanism must be made available to ensure that the Electronic Signature Production Data:

a. are still valid and are not canceled nor withdrawn;
b. are not reported missing;
c. are not reported to being transferred to unauthorized person; and
d. are in under the control of Signatory.

(2) Prior to the signing, the Signatory must identify and understand the Electronic Information that will be signed.

(3) Approval from the Signatory of the Electronic Information that will be signed with Electronic Signature must use the mechanism of affirmation and/or other mechanism in order to show the intent and purpose of Signatory to be bound to an Electronic Transaction.

(4) Method and technique used to produce Electronic Signature shall include at least:

a. Electronic Signature Production Data;
b. the time on which the Electronic Signature is produced; and
c. Electronic Information to be signed.

(5) Change in the signed Electronic Signature and/or Electronic Information after the signing must be acknowledged, detected, or recognized by using a particular method or way.

Article 57

(1) Organizer of Electronic Signature and/or Electronic Signature Service Support must be responsible for the use of Electronic Signature Production Data or Electronic Signature device.

(2) Organizer of Electronic Signature and Electronic Signature Service Support must use an Electronic Signature device that uses a cryptography method in the processes of delivery and storage of Electronic Signature.

Part Five
Identification, Authentication, and Verification of Electronic Signature

Article 58

(1) Prior to the use of Electronic Signature, Organizer of Electronic Signature must ensure the initial identification of Signatory by using the method as follows:

a. the Signatory gives its identity to the Organizer of Electronic Signature;

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

b. the Signatory applies registration to the Organizer of or Electronic Signature Service Support; and

c. If necessary, the Organizer of Electronic Signature may confidentially delegate the data on the identity of the Signatory to another Organizer of Electronic Signature or Electronic Signature Service Support upon approval from the Signatory.

(2) Mechanism used by the Organizer of Electronic Signature for electronic verification of the identity of the Signatory must apply the combination of at least 2 (two) authentication factors.

(3) The process of verifying the Electronic Information which has been signed may be performed by examining the Electronic Signature Production Data to trace any change in the data which has been signed.

CHAPTER VI
ADMINISTRATION OF ELECTRONIC CERTIFICATION

Part One
Electronic Certificate

Article 59

(1) An Electronic System Organizer for public service must have an Electronic Certificate.

(2) An Electronic System Organizer for non-public service must have an Electronic Certificate.

(3) Electronic System Organizer and User other than as referred to in paragraph (1) and paragraph (2) may have an Electronic Certificate issued by the administrator of electronic certification.

(4) To have an Electronic Certificate, the Electronic System Organizer and User must submit an application to the administrator of electronic certification.

(5) Further provisions regarding procedures to obtain Electronic Certificate shall be set forth in a Minister Regulation.

Part Two
Administrator of Electronic Certification

Article 60

The administrator of electronic certification shall have the authorities as follows:

a. to examine the candidate owner and/or holder of Electronic Certificate;
b. to issue the Electronic Certificate;
c. to extend the validity period of the Electronic Certificate;
d. to block and revoke the Electronic Certificate;
e. to validate the Electronic Certificate; and
f. to make a list of active and suspended Electronic Certificates.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Article 61

(1) An administrator of electronic certification that operates in Indonesia must obtain acknowledgement from the Minister.

(2) Acknowledgement as referred to in paragraph (1) shall consist of the following status:

a. registered;
b. certified; or
c. as subsidiary.

Article 62

(1) Acknowledgement with registered status as referred to in Article 61 paragraph (2) letter a may be granted by the Minister after the administrator of electronic certification meets the requirements on registration process as set forth in the Minister Regulation.

(2) Acknowledgement with certified status as referred to in Article 61 paragraph (2) letter b shall be granted by the Minister after the administrator of electronic certification acquires registered status and obtains certificate as a certified administrator of electronic certification from the accredited certification institution for administrator of electronic certification.

(3) Acknowledgment with the status as subsidiary as referred to in Article 61 paragraph (2) letter c shall be granted by the Minister after the administrator of electronic certification acquires a certified status and obtains a certificate as the subsidiary administrator of electronic certification.

(4) Further provisions regarding procedures on the granting of acknowledgement to the administrator of electronic certification shall be set forth in a Minister Regulation.

Article 63

(1) Acknowledgement for the administration of electronic certification shall be subject to administration fee.

(2) Every income generated from administration fee as referred to in paragraph (1) shall be non-tax state revenue.

Part Three
Supervision

Article 64

(1) The Minister shall supervise the administration of electronic certification.

(2) Supervision as referred to in paragraph (1) shall include:

a. acknowledgment; and

b. operation of facilities of parent administrator of electronic certification for subsidiary administrator of electronic certification.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

CHAPTER VII
RELIABILITY CERTIFICATION INSTITUTION

Article 65

(1) Business Actor that organizes Electronic Transaction may be certified by Reliability Certification Institution.

(2) Reliability Certification Institution shall consist of:

a. Indonesian Reliability Certification Institution; and
b. Foreign Reliability Certification Institution.

(3) Indonesian Reliability Certification Institution as referred to in paragraph (2) letter a must domicile in Indonesia.

(4) Reliability Certification Institution as referred to in paragraph (2) must be registered in the list of Reliability Certification Institutions as issued by the Minister.

Article 66

(1) Reliability Certification Institution may issue a Certificate of Reliability through the process of Reliability Certification.

(2) Reliability Certification as referred to in paragraph (1) shall include examination on complete and correct information from Business Actor as well as the Electronic System to obtain a Certificate of Reliability.

(3) Complete and correct information as referred to in paragraph (2) shall include information that:

a. includes the identity of legal subject;

b. includes the status and competence of legal subject;

c. describes certain matters as the requirement for the validity of agreement; and

d. describes the offered goods and/or services.

Article 67

(1) Certificate of Reliability shall be aimed to protect the consumers in Electronic Transaction.

(2) Certificate of Reliability as referred to in paragraph (1) shall serve as a guarantee that the Business Actor has met the criteria determined by Reliability Certification Institution.

(3) Business Actor that has met the criteria as referred to in paragraph (2) shall be entitled to use the Certificate of Reliability in other website and/or Electronic System.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Article 68

(1) Certificate of Reliability issued by Reliability Certification Institution shall include the category as follows:

a. security of identity;
b. security of data exchange;
c. security of vulnerability;
d. consumer rating; and
e. security of the confidentiality of Personal Data.

(2) Further provisions regarding procedures on determination of category of Certificate of Reliability as referred to in paragraph (1) shall be set forth in a Minister Regulation.

Article 69

(1) Reliability Certification Institution shall be established by professionals.

(2) Professionals that establish Reliability Certification Institution as referred to in paragraph (1), at least, shall come from the profession as follows:

a. Information Technology consultant;
b. Information Technology auditor; and
c. legal consultant in the field of Information Technology.

(3) Other professionals that may participate in the establishment of Reliability Certification Institution as referred to in paragraph (2) include the professions as follows:

a. accountant;
b. management consultant in the field of Information Technology;
c. appraiser;
d. notary; and
e. profession in the purview of Information Technology as set forth in a Minister Decision.

(4) Professionals as referred to in paragraph (2) and paragraph (3) must have a certificate of profession and/or profession license in accordance with the provisions of laws and regulations.

(5) Further provisions regarding requirements and procedures on the registration of profession in the purview of Information Technology as referred to in paragraph (3) letter e shall be set forth in a Minister Regulation.

Article 70

(1) If the profession license of one of the professionals who establishes the Reliability Certification Institution is revoked in accordance with the provisions of laws and regulations, the relevant Reliability Certification Institution must substitute the professional whose profession license is revoked with another professional in the same field within a period of 90 (ninety) days.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

(2) In the event that the period as referred to in paragraph (1) has lapsed and the Reliability Certification Institution has not substituted its professional, the Minister shall put the Reliability Certification Institution out from the list of Reliability Certification Institutions.

Article 71

The Minister shall supervise the Reliability Certification Institution.

Article 72

(1) Acknowledgement as Reliability Certification Institution shall be subject to administrative fee.

(2) Every income generated from administrative fee as referred to in paragraph (1) shall be non-tax state revenue.

CHAPTER VIII
MANAGEMENT OF DOMAIN NAME

Article 73

(1) Management of Domain Name shall be organized by the Manager of Domain Name.

(2) Domain Name shall consist of:

a. generic top level Domain Name;
b. Indonesia top level Domain Name;
c. second level Indonesia Domain Name; and
d. derivative level Indonesia Domain Name.

(3) Manager of Domain Name as referred to in paragraph (1) shall consist of:

a. Registry of Domain Name; and
b. Registrar of Domain Name.

Article 74

(1) Manager of Domain Name as referred to in Article 73 paragraph (3) may be organized by the Government and/or the public.

(2) The public as referred to in paragraph (1) must be incorporated in Indonesia.

(3) Manager of Domain Name shall be set forth by the Minister.

Article 75

(1) Registry of Domain Name as referred to in Article 73 paragraph (3) letter a shall manage generic top level and Indonesia top level Domain Name.

(2) Registry of Domain Name may grant the authority to register generic top level Domain Name and Indonesia top level Domain Name to Registrar of Domain Name.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

(3) The functions of Registry of Domain Name shall be as follows:

a. to provide inputs to the proposed arrangement of Domain Name to the Minister;

b. to supervise the Registrar of Domain Name; and

c. to settle disputes on Domain Name.

Article 76

(1) Registrar of Domain Name as referred to in Article 73 paragraph (3) letter b shall manage second level and derivative level Domain Name.

(2) Registrar of Domain Name shall consist of Registrar of Domain Name for Institution and Registrar of Domain Name other than for Institution.

(3) Registrar of Domain Name for Institution shall register the second level Domain Name and derivative level Domain Name for the purpose of the Institution.

(4) Registrar of Domain Name for the Institution as referred to in paragraph (3) shall be managed by the Minister.

(5) Registrar of Domain Name other than for the Institution shall register the second level Domain Name for commercial and non-commercial users.

(6) Registrar of Domain Name other than for Institution must be registered to the Minister.

Article 77

(1) Registration of Domain Name shall be based on the principle of first come first served.

(2) Registered Domain Name as referred to in paragraph (1) must meet the requirements as follows:

a. it complies with the provisions of laws and regulations;
b. it meets the standard of propriety applicable in the public; and
c. good faith.

(3) Registry of Domain Name and Registrar of Domain Name shall have the authority as follows:

a. to reject the registration of Domain Name if the Domain Name does not meet the requirements as referred to in paragraph (2);

b. to inactivate the utilization of Domain Name temporarily; or

c. to delete Domain Name if the user of Domain Name violates the provisions in this Government Regulation.

Article 78

(1) Registry of Domain Name and Registrar of Domain Name must organize the management of Domain Name accountably.

(2) In the event that the Registry of Domain Name or Registrar of Domain Name wishes to terminate its management, Registry of Domain Name or Registrar of Domain Name must hand over the entire management of Domain Name to the Minister by no later than 3 (three) months before the intended termination.

Article 79

(1) Domain Name indicating the Institution may only be registered and/or used by the relevant Institution.

(2) Institution must use the Domain Name in accordance with the name of the relevant Institution.

Article 80

(1) Registry of Domain Name and Registrar of Domain Name shall accept the registration of Domain Name upon the application from the User of Domain Name.

(2) User of Domain Name as referred to in paragraph (1) shall be responsible for the Domain Name that it registers.

Article 81

(1) Registry of Domain Name and/or Registrar of Domain Name shall be entitled to generate income by collecting registration fee and/or using the Domain Name from the User of Domain Name.

(2) In the event that the Registry of Domain Name and Registrar of Domain Name as referred to in paragraph (1) serve as the manager of Domain Name other than the Institution, the Registry of Domain Name and Registrar of Domain Name must deposit a portion of income from registration and use of Domain Name that is calculated from percentage of income to the state.

(3) Income as referred to in paragraph (1) and state income as referred to in paragraph (2) shall be non-tax state revenues.

Article 82

The Minister shall supervise the management of Domain Name.

Article 83

Further provisions regarding requirements and procedures on the designation of manager of Domain Name shall be set forth in a Minister Regulation.

CHAPTER IX
ADMINISTRATIVE SANCTION

Article 84

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

(1) Violations of Article 7 paragraph (1), Article 8 paragraph (1) and paragraph (3), Article 12 paragraph (1) and paragraph (2), Article 13, Article 14 paragraph (1), Article 15 paragraph (1), Article 16 paragraph (1), Article 17 paragraph (1), Article 18 paragraph (1), Article 21, Article 22 paragraph (1), Article 27, Article 29, Article 30 paragraph (1), Article 37 paragraph (1), Article 39 paragraph (1), Article 58 paragraph (1) and paragraph (2), Article 59 paragraph (1), and Article 78 paragraph (1) shall be subject to administrative sanction.

(2) Administrative sanction as referred to in paragraph (1) may take the form of:

a. written warning;

b. administrative penalty;

c. temporary suspension; and/or

d. removal from the list as referred to in Article 5 paragraph (4), Article 37 paragraph (2), Article 62 paragraph (1), and Article 65 paragraph (4).

(3) Administrative sanction shall be imposed by the Minister or the management of the relevant Sector Supervisory and Regulatory Institution in accordance with the provisions of laws and regulations.

(4) Imposition of sanction by the management of relevant Sector Supervisory and Regulatory Institution as referred to in paragraph (3) shall be effected in coordination with the Minister.

(5) Imposition of administrative sanction as referred to in paragraph (2) and paragraph (3) shall not eliminate criminal and civil liabilities.

Article 85

Further provisions regarding procedures on the imposition of administrative sanction and submission of objection on the imposition of administrative sanction shall be set forth in a Minister Regulation.

CHAPTER X
TRANSITIONAL PROVISIONS

Article 86

(1) At the time this Government Regulation comes into effect, Electronic System Organizer for public service that has been in operation prior to the entry into force of this Government Regulation must register it to the Minister by no later than 1 (one) year as from the entry into force of this Government Regulation.

(2) Electronic System Organizer as referred to in paragraph (1) that does not perform registration shall be subject to administrative penalty for each year of delay.

Article 87

At the time this Government Regulation comes into effect, Electronic System Organizer that has been operating prior to the entry into force of this Government Regulation, shall

be obliged to adjust with this Government Regulation within a maximum period of 5 (five) years as from the entry into force of this Government Regulation.

Article 88

At the time this Government Regulation comes into effect, organizer of electronic certification and Trustworthy Certification Institution that have been operating in Indonesia prior to the entry into force of this Government Regulation, shall be obliged to adjust with the provisions in this Government Regulation within a maximum period of 3 (three) years as from the entry into force of this Government Regulation.

Article 89

At the time this Government Regulation comes into effect:

a. Feasibility Certification Electronic System issued by domestic institution in accordance with the provisions of laws and regulations, shall remain valid up to the promulgation of Minister Regulation regarding Feasibility Certification Electronic System; and

b. Feasibility Certification Electronic System issued by foreign institution that complies with accreditation in the concerned country, shall remain valid up to the promulgation of Minister Regulation regarding Feasibility Certification Electronic System.

CHAPTER XI
CLOSING PROVISION

Article 90

This Government Regulation shall come into effect as from the date of its stipulation.

For public cognizance, ordering the promulgation of this Government Regulation in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on October 12, 2012

PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd
DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on October 15, 2012

MINISTER OF LAW AND HUMAN RIGHTS
REPUBLIC OF INDONESIA,

sgd
AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2012 NUMBER 189

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Issued as a true copy
MINISTRY OF STATE SECRETARIAT
REPUBLIC OF INDONESIA
Deputy Assistant of Laws and Regulations
Economic Division,

Lydia Silvanna Djaman

ELUCIDATION OF GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA NUMBER 82 YEAR 2012 REGARDING ORGANIZATION OF ELECTRONIC SYSTEM AND TRANSACTION

I. GENERAL

Several provisions in Law Number 11 Year 2008 regarding Electronic Information and Transaction mandate further regulation to be set out in a Government Regulation, namely regulations on Reliability Certification Institution as referred to in Article 10 paragraph (2), Electronic Signature as referred to in Article 11 paragraph (2), administrator of electronic certification as referred to in Article 13 paragraph (6), Electronic System Organizer as referred to in Article 16 paragraph (2), Organization of Electronic Transaction as referred to in Article 17 paragraph (3), organizer of Electronic Agent as referred to in Article 22 paragraph (2), and management of Domain Name as referred to in Article 24 paragraph (4).

Regulations as referred to above are a series of organization of electronic system and transaction that may be drafted in a government regulation namely Government Regulation regarding Organization of Electronic System and Transaction.

Electronic System Organizer guarantees that each component and integration of all Electronic Systems are in proper operation. Component of Electronic System includes Hardware, Software, expert, management, and security. This Government Regulation sets out the obligations of Electronic System Organizer in general and Electronic System Organizer for public service.

Electronic System Organizer for public service has the obligations, among others to establish data center and disaster recovery center in Indonesian territory, obtain an Electronic System Feasibility Certification from the Minister, and register itself with the ministry that organizes governmental affairs in the field of communication and informatics.

Electronic System Organizer may organize its own Electronic System or delegate its organization to an Electronic Agent. Electronic Agent may be established for more than one interests of Electronic System Organizer under an agreement between the parties. Electronic Agent must be registered with the ministry that organizes governmental affairs in the field of communication and informatics. Electronic System Organizer and Electronic Agent may conduct Electronic Transaction. The conduct of Electronic Transaction may include in public or private scope. Electronic Transaction must be carried out by the parties in good faith and by taking into account principles of prudence, transparency, accountability, and fairness. Electronic Transaction may be entered into based on Electronic Contract or other contractual form.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

An Electronic Transaction requires an Electronic Signature which serves as approval from the Signatory to the Electronic Information and/or Electronic Document signed using the Electronic Signature.

Electronic Signature used in Electronic Transaction may be produced by using several signing procedures. Electronic Signature includes certified Electronic Signature and uncertified Electronic Signature. Certified Electronic Signature is produced by the administrator of electronic certification as proven with Electronic Certificate. An administrator of electronic certification operating in Indonesia must obtain acknowledgement from the Minister as registered, certified, or subsidiary administrator. Obligations of administrator of electronic certification include among others performing registration and examination of candidate owner and/or holder of Electronic Certificate and issuing Electronic Certificate.

Business Actor conducting an Electronic Transaction may be granted a certification by the Reliability Certification Institution. This Institution will issue a Certificate of Reliability of Reliability through the process of Reliability Certification, including examination of complete and correct information regarding the Business Actor.

Reliability Certification Institution should be established, at least, by consultants, auditors and legal consultants in Information Technology. Moreover, other professions that may be involved in the establishment of Reliability Certification Institution include accountant, management consultant in Information Technology, appraiser, notary, and other profession as set forth with a Minister Decision.

Every Institution, Person, Business Entity, and public are entitled to have a Domain Name based on the principle of first come first served. Domain Name is managed by the Government and/or the public. A Domain Name will only exist when that name is submitted to and its registration is received by a Domain Name registration system. The system represents a global internet address as the hierarchy and management system of Domain Name are subject to the provisions issued by the competent institution, both national as well as international.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Paragraph (1)

Letter a

Referred to as “interconnectivity” shall be the capability to get connected to each other in order to function appropriately.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

The definition of interconnectivity includes interoperability capability. Referred to as “compatibility” shall be the suitability of one Electronic System with another Electronic System.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Referred to as “clarity as to the newness condition” shall be availability of information which explains that the Hardware is new, refurbished, or used.

Letter g

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 7

Paragraph (1)

Letter a

Registration may be applied by a seller or provider (vendor), distributor, or user.

Letter b

Referred to as “that the security and reliability of proper operation are guaranteed” shall be Electronic System Organizer guarantees that the Software does not contain other instructions than those as appropriate nor hidden and illegal instructions (malicious code).

For example time bomb instruction, virus program, trojan, worm, and backdoor. This security may be performed by examining the source code.

Letter c

Self-explanatory.

Paragraph (2)

Self-explanatory.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Article 8

Paragraph (1)

Referred to as “source code” shall be a series of instructions, statements, and/or declarations written in computer programming language that is readable and understandable by people.

Paragraph (2)

Referred to as “trusted third-party source code escrow” shall be a profession or competent independent party providing source code escrow service for Computer or Software whereby the source code is accessible and may be obtained, or delivered by the provider to the user.

Paragraph (3)

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Paragraph (1)

Referred to as “expert staff” shall be staff having the knowledge and special skills in Electronic System which may be accounted for from academic and practical perspective.

Paragraph (2)

Self-explanatory.

Article 11

Paragraph (1)

Referred to as “Electronic System of strategic nature” shall be Electronic System that may have a serious impact on the public interest, public service, smooth state administration, or state defense and security.
Example: Electronic System in health, banking, financial, transportation, trade, telecommunication, or energy sector.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Referred to as “laws and regulations” shall be among others laws and regulations in the field of manpower.

Paragraph (4)

Self-explanatory.

Article 12

Paragraph (1)

Letter a

Referred to as “service level agreement” shall be a statement of the level of service quality of an Electronic System.

Letter b

Self-explanatory.

Letter c

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 13

Referred to as “to apply risk management” shall be to carry out risk analysis and formulate mitigation and troubleshooting measures to address any threats, interruption, and barriers to Electronic System that it manages.

Article 14

Paragraph (1)

Referred to as “management policies” shall include among others policies on organizational structure development activity, business process, performance management, and provision of operating support personnel of Electronic System to ensure proper operation of Electronic System.

Paragraph (2)

Self-explanatory.

Article 15

Self-explanatory.

Article 16

Paragraph (1)

Good IT Governance shall include planning, implementation, operation, maintenance, and documentation processes.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 17

Paragraph (1)

Referred to as “business continuity plan” shall be a series of processes in order to ensure the continuity of activity in the event of interruption or disaster.

Paragraph (2)

Referred to as “data center” shall be a facility used to place Electronic System and its associated components for the purpose of data placement, storage, and processing.

Referred to as “disaster recovery center” shall be a facility used to recover data or information and to recover the important functions that the interrupted or damaged Electronic System perform due to the occurrence of disaster caused by nature or human.

Paragraph (3)

Self-explanatory.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Article 18

Paragraph (1)

Audit trail mechanism shall include among others:

a. to maintain transaction log in accordance with the organizer's data retention policy, in accordance with the provisions of laws and regulations;

b. to provide notification to consumer if a transaction is successful;

c. to ensure the availability of audit trail function in order to be able to detect any effort and/or occurrence of infiltration that must be reviewed or evaluated periodically; and

d. in the event that processing system and audit trail become the responsibility of third party, therefore process of audit trail must meet the standards set forth by Electronic System Organizer.

Paragraph (2)

Referred to as "other examination" shall be among others examination for mitigation or incident response purposes.

Article 19

Self-explanatory.

Article 20

Paragraph (1)

Referred to as "interruption" shall be any action that is destructive or has serious impact on the Electronic System which prevents it from operating properly.

Referred to as "failure" shall be cessation of a part or entire essential functions of Electronic System which prevents it from operating properly.

Referred to as "loss" shall be the impact of damage to the Electronic System that has legal consequences to users, organizer, and other third parties, either material or immaterial.

Paragraph (2)

Referred to as "prevention and mitigation system" shall be among others antivirus, anti spamming, firewall, intrusion detection, prevention system, and/or management of information security management system.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Paragraph (1)

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Self-explanatory.

Paragraph (2)

Referred to as “transferable Electronic Information and/or Electronic Document” shall be commercial paper or valuable documents in electronic form.

Referred to as “Electronic Information and/or Electronic Document must be unique” shall be Electronic Information and/or Electronic Document and/or registration of such Electronic Information and/or Document which solely represent a particular value.

Referred to as “Electronic Information and/or Electronic Document must explain control” shall be such Electronic Information and/or Electronic Document must explain the nature of control represented by a control system or registration system for the relevant Electronic Information and/or Electronic Document.

Referred to as “Electronic Information and/or Electronic Document must explain ownership” shall be such Electronic Information and/or Electronic Document must explain the characteristics of ownership represented by the existence of technology control facility to ensure that there is only a single authoritative copy which remains unchanged.

Article 23

Referred to as “interoperability” shall be the capability of different Electronic System to operate on an integrated basis.

Referred to as “compatibility” shall be the suitability of one Electronic System with another Electronic System.

Article 24

Paragraph (1)

Self-explanatory.

Paragraph (2)

Example of education that can be delivered to Electronic System User shall be:

a. to convey of the importance of safekeeping Personal Identification Number (PIN)/password to Electronic System User for example:

   1. to keep it confidential and to not let anyone to know PIN/password including to the operator’s officials;

   2. to change PIN/password periodically;

   3. to use unpredictable PIN/password (namely personal identity such as date of birth);

   4. to not make any note on PIN/password; and

   5. PIN for one product should be different from PIN of other product.

b. to convey various criminal modus operandi in Electronic Transaction to Electronic System User; and

c. to convey procedures and methods for filling a claim to Electronic System User.

Article 25

Obligation to deliver information to Electronic System User is intended to protect the interests of Electronic System User.

Article 26

Paragraph (1)

Provision of features is intended to protect the rights or interests of Electronic System User.

Paragraph (2)

Self-explanatory.

Article 27

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Paragraph (1)

Self-explanatory.

Paragraph (2)

Technical standards and/or requirements on Electronic System Feasibility Certification shall include among others provisions on registration, audit requirements, and trial procedures.

Paragraph (3)

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Referred to as “visual” form shall be visible or readable display, as among other graphic display of a website.

Letter b

Referred to as “audio” form shall be anything which is audible, among others telemarketing service.

Letter c

Example of electronic data format shall be electronic data capture (EDC), radio frequency identification (RFI), and barcode recognition.

Electronic data capture (EDC) shall be an Electronic Agent for and on behalf of a Electronic System Organizer in cooperation with network organizer.

EDC may be used independently by a bank financial institution and/or jointly with other financial or non-financial institutions.

In the event that Electronic Transaction is performed by using Bank X card in the EDC of Bank Y, therefore Bank Y will forward the transaction to Bank X, through the network organizer.

Letter d

Self-explanatory.

Article 35

Paragraph (1)

Letter a

Information on the identity of organizer of Electronic Agent shall include, at least, a logo or name indicating its identity.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 36

Paragraph (1)

Self-explanatory.

Paragraph (2)

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Self-explanatory.

Paragraph (3)

Referred to as “equal treatment” shall be among others imposition of the same tariff, facilities, requirements, and procedures.

Paragraph (4)

Self-explanatory.

Article 37

Self-explanatory.

Article 38

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Referred to as “confidentiality” shall be in accordance with legal concept regarding confidentiality of electronic information and communication.

Letter b

Referred to as “integrity” shall be in accordance with legal concept regarding the integrity of Electronic Information.

Letter c

Referred to as “availability” shall be in accordance with legal concept regarding the availability of Electronic Information.

Letter d

Referred to as “authentication” shall be in accordance with legal concept regarding authentication, including the originality of the content of an Electronic Information.

Letter e

Referred to as “authorization” shall be in accordance with legal concept regarding authorization based on the scope of duties and functions in an organization and management.

Letter f

Referred to as “non-repudiation” shall be in accordance with legal concept regarding non-repudiation.

Article 39

Paragraph (1)

Letter a

In verifying the authentication of the identity of and checking the authorization of Electronic System User, it is necessary to take into account among others the following matters:

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

1. written policy and procedure to ensure the capability to verify the authentication of the identity of and examine the authority of Electronic System User;

2. method for verification of authentication; and

3. combination of at least 2 (two) factors of authentication, namely “what you know” (PIN/password), “what you have” (magnetic card with chip, token, digital signature), “what you are” or “biometric” (retina and fingerprints).

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

The requirement to protect the confidentiality of Personal Data of Electronic System User must also be met in the event that the organizer uses the service of other party (outsourcing).

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

The handling procedures are applied in the event that the organizer uses the service of other party (outsourcing).

Paragraph (2)

The following matters must be taken into account in preparing and determining procedures to ensure that transaction cannot be denied by Electronic System User:

a. Electronic Transaction system has been designed to reduce the potential unintended transaction by the authorized users;

b. the authentication or originality of all identities of the parties who carry out the transaction have been verified; and

c. data on financial transaction is protected from any potential change and every change is detectable.

Article 40

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Referred to as “among Business Actors” shall be Electronic Transaction with business to business transaction model.

Letter b

Referred to as “between Business Actor and consumer” shall be Electronic Transaction with business to consumer transaction.

Letter c

Referred to as “interpersonal” shall be Electronic Transaction with consumer to consumer transaction model.

Letter d

Referred to as “inter-Institutions” shall be Electronic Transaction with inter-Institutions transaction model.

Letter e

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 43

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Electronic System Network shall be the connection of two Electronic Systems or more, either closed or open.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 44

Paragraph (1)

This provision is intended to protect Electronic System User from spam.
Examples of format of spam generally known are e-mail spam, instant message spam, usenet newsgroup spam, web search engine spam, blog spam, news spam in cellular phone, and Internet forum spam.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Paragraph (2)

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Referred to as “fairness” shall be to refer to the element of propriety as applicable, in accordance with the custom or growing business practice.

Article 47

Paragraph (1)

Example of Electronic Transaction may include several forms or variants such as:

a. an agreement that is not entered into electronically, however, contractual relationship is concluded electronically;

b. an agreement that is entered into electronically and the implementation of the contractual relationship is concluded electronically; and

c. an agreement that is not entered into electronically, but the implementation of the contractual relationship is concluded non-electronically.

Paragraph (2)

Self-explanatory.

Article 48

Paragraph (1)

Self-explanatory.

Paragraph (2)

The relevant laws and regulations shall include among others Law regarding Consumer Protection.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Paragraph (3)

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

An action of acceptance which states an approval is made among others by the Electronic System User clicking the approval electronically.

Letter b

Self-explanatory.

Article 51

Paragraph (1)

Self-explanatory.

Paragraph (2)

Referred to as “in proportion” shall mean fairly taking into account the interests of both parties.

Article 52

Paragraph (1)

Electronic Signature shall serve as manual signature in representing the Signatory’s identity.

Authentication of manual signature may be proven through verification or examination of the specimen of Electronic Signature of Signatory.

In Electronic Signature, Electronic Signature Production Data shall serve as the Signatory’s specimen of Electronic Signature.

Any competent experts must be able to use the Electronic Signature to check and prove that no change occurs after the Electronic Information is signed using the Electronic Signature.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 53

Self-explanatory.

Article 54

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Paragraph (1)

Legal consequence of the use of certified or uncertified Electronic Signature will affect its force as evidence.

The force of uncertified Electronic Signature as evidence remains although it is relatively weak because it can still be denied by the concerned or can be relatively easy to change by other party.

In practice, it is necessary to take into account the extent of the force of Electronic Signature as evidence, such as a scanned manual signature which value as evidence for use as Electronic Signature is weak up to an Electronic Signature which value as evidence is the strongest, such as Digital Signature issued by a certified electronic certification administrator.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 55

Paragraph (1)

Referred to as “unique” shall mean any code used or serving Electronic Signature Production Data must refer only to a legal subject or an entity representing a single identity.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

Electronic Signature Production Data produced by using cryptography technique, in general, has probability-based mathematical correlation with data verification of Electronic Signature.

Therefore, selection of cryptography code that will be used must take into account adequacy of level of difficulty encountered and resources that must be prepared by the party trying to falsify the Electronic Signature Production Data.

Letter c

Referred to as “electronic media” shall be a facility, medium, or equipment used to collect, store, process, and/or disseminate Electronic Information for temporary or permanent use.

Letter d

Referred to as “data relevant to the Signatory” shall be all data that may be used to identify the identity of the Signatory such as its name, address, place and date of birth, as well as specimen code of manual signature.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Referred to as “liable system” shall be a system which follows procedures on the use of Electronic Signature and ensures authenticity and integrity of Electronic Information. This would appear if we take into account several factors, such as:

1. financial and resources;

2. quality of Hardware and Software;

3. procedures of certificate and application as well as data retention;

4. availability of Electronic Signature Production Data; and

5. audit by independent institution.

Paragraph (4)

Self-explanatory.

Article 56

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Obligation to have 3 (three) elements as input upon the occurrence of signing process which will affect the Electronic Signature produced in such process will guarantee the authentication of Electronic Signature, signed Electronic Information as well as the time of the signing.

Paragraph (5)

Below are the examples of this provision:

a. Change to the Electronic Signature after the signing must cause the Electronic Information attached thereto to not properly functioning, to be damaged, or cannot be displayed if the Electronic Signature is inherent and/or linked to the signed Electronic Information.

   Method to attach and link the Electronic Signature to the signed Electronic Information may cause the occurrence of new Electronic Information or Electronic Document which:

   1. is regarded as an integral and inseparable unit; or

   2. appears as separated and the signed Electronic Information may be read by the public while the Electronic Signature is in the form of code and/or picture.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

b. Change to the Electronic Signature after the signing must cause a part or the entire Electronic Information to be invalid if the Electronic Signature is logically associated to the signed Electronic Information.

Change made to the signed Electronic Information must cause incompatibility between the Electronic Signature and the relevant Electronic Information that can be seen clearly through the mechanism of verification.

Article 57

Paragraph (1)

Referred to as “be responsible for the use of Electronic Signature Production Data or Electronic Signature making device” shall be that the Organizer of Electronic Signature or Electronic Signature Service Support must be able to provide tracking system in order to prove whether or not occur misuse of Electronic Signature Production Data and/or Electronic Signature making device.

Paragraph (2)

Obligation to apply cryptography technique to secure the process of delivery and storage of Electronic Signature shall be intended to guarantee the integrity of Electronic Signature. Selection of which cryptography technique should be applied for such purpose must refer to the applicable provision or standard on cryptography in accordance with the provisions of laws and regulations.

Article 58

Paragraph (1)

Self-explanatory.

Paragraph (2)

Authentication factors that can be selected as combination may be distinguished in 3 (three) types, namely:

a. what you have, for example ATM card or smart card;

b. what you know, for example PIN/password or cryptography key; and

c. what you are, for example voice pattern, handwriting dynamics, or fingerprints.

Paragraph (3)

Self-explanatory.

Article 59

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Having an Electronic Certificate is one of the efforts to improve the security of Electronic System organization other than other security efforts.

Having an Electronic Certificate serves to support the security of Electronic System organization that covers among others confidentiality, authentication, integrity, and non-repudiation.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Minister Regulation sets out among others regulation on procedures for submitting application for electronic certification that can be submitted through the notary.

Article 60

Letter a

Referred to as examination of candidate owner and/or holder of Electronic Certificate shall mean examination of their physical existence.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Article 61

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Referred to as “electronic certification administrator acknowledged as having subsidiary status” shall be an electronic certification administrator that issues an Electronic Certificate by using Electronic Signature Root Certification Authority issued by the Minister.

Article 62

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Self-explanatory.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

Article 65

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Certificate of Reliability that is issued by unregistered foreign Reliability Certification Institution does not have a conclusive force as evidence.

Article 66

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

Self-explanatory.

Letter b

Example of “status and competence of legal subject” shall be status of Business Actor as producer, supplier, or administrator as well as broker.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Paragraph (1)

Letter a

Identity Seal shall be a Certificate of Reliability which guarantee to its reliability is limited to security that the identity of Business Actor is correct.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Validation by the Reliability Certification Institution is only conducted to the identity of Business Actor that includes at least the name of legal subject, status of legal subject, address or domicile, telephone number, e-mail address, business license, and Taxpayer Registration Number (NPWP).

Reliability Certification Institution that issues this Certificate of Reliability shall provide certainty to trace that the identity of Business Actor is correct.

Letter b

Security seal shall be Certificate of Reliability which guarantee to its reliability ensures that the security of process of data delivery or exchange through the website of Business Actor is protected by using data exchange process security technology (example: SSL/secure socket layer protocol).

This Certificate of Reliability ensures that there is a protection system in the data exchange process which has been tested.

Letter c

Vulnerability seal shall be Certificate of Reliability which guarantee to its reliability is to ensure that the Business Actor has applied an information security management system with reference to particular Electronic System security standard based on the provisions of laws and regulations.

Letter d

Consumer rating seal shall be Certificate of Reliability which guarantee to its reliability provides particular rank that based on subjective assessment of consumer satisfaction to the Electronic Transaction service provided by Business Actor has met the consumer satisfaction.

This Certificate guarantees that the Business Actor has received acknowledgment in terms of consumer satisfaction based on actual experience from consumer including pre-transaction, transaction, and post transaction processes.

Letter e

Privacy seal shall be a Certificate of Reliability which guarantee of its reliability is to ensure that the confidentiality of Personal Data of consumer is properly protected.

Paragraph (2)

Self-explanatory.

Article 69

Paragraph (1)

Self-explanatory.

Paragraph (2)

Referred to as “profession” shall be particular skill that an individual has as recognized or validated by the government.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

The Minister Regulation sets out among others, registration and requirements to be stipulated as profession in the field of Information Technology that may participate in the establishment of Reliability Certification Institution.

Article 70

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Referred to as “generic top level Domain Name” shall be top level Domain Name that consists of three or more characters in the hierarchy of domain naming system other than country code Top Level Domain. For example: .nusantara or .java.

Letter b

Referred to as “Indonesia top level Domain Name” shall be top level domain name in the hierarchy of domain naming system that indicates Indonesia (.id) code in accordance with the list of country code in ISO 3166-1 as issued by Internet Assigned Numbers Authority (IANA).

Letter c

Example of second level Indonesian Domain Name shall be co.id, go.id, ac.id, or.id, or mil.id.

Letter d

Example of derivative level Indonesian Domain Name shall be kominfo.go.id.

Paragraph (3)

Letter a

Included in the scope of definition of Domain Name Registry shall be the function and role of ccTLD manager.

Letter b

Self-explanatory.

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Article 74

Self-explanatory.

Article 75

Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Self-explanatory.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Paragraph (1)

Sanction in this provision shall only be imposed on the parties committing administrative violation, meanwhile for moral or civil violation, it shall not be subject to administrative sanction.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Temporary suspension in this provision shall be in the form of suspension of a part or entire component or service in the relevant Electronic System for a particular period of time.

Letter d

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.

Self-explanatory.

Paragraph (5)
Self-explanatory.

Article 85
Self-explanatory.

Article 86
Self-explanatory.

Article 87
Self-explanatory.

Article 88
Self-explanatory.

Article 89
Self-explanatory.

Article 90
Self-explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 5348

NOTE

Source: LOOSE-LEAF OF THE STATE SECRETARIAT YEAR 2013

Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.
Copyright © 1997 - 2017 PT Legal Centric Indonesia. All Rights Reserved.