

APPENDIX: RELEVANT LEGAL PROVISION

Government Regulation No. 80 of 2019 on Trade on Electronic System

Article 23

To avoid or respond to the existence of illegal electronic information contents, domestic PPMSEs and/or foreign PPMSEs must:

- a. provides terms of use or license agreement to their users to perform the utilization in accordance with provisions of laws and regulations; and
- b. provides means of technological control and/or means of receiving public complaints or reports toward the existence of illegal electronic information contents or abuse of space at the Electronic System they manage in accordance with provisions of laws and regulations.

Minister of Communication and Informatics Regulation No. 5 of 2020 on Electronic System Provider in Private Sectors

Article 9 paragraphs (3), (4), and (6)

(3) A Private Electronic Service Provider must ensure that: a. Its Electronic System does not contain prohibited Electronic Information and/or Electronic Documents, and b. Its Electronic System does not facilitate the distribution of containing prohibited Electronic Information and/or Electronic Documents.

(4) The prohibited Electronic Information and/or Electronic Documents as referred to in paragraph (3) based on the following: a. Violate laws and regulations b. Disturbing society and public order c. Inform a method or provide an access to prohibited Electronic Information and/or Electronic Documents

(6) A Private Electronic Service Provider that does not comply with paragraph (3) will have their access to the Electronic System be blocked based on this Minister Regulation.

Article 10

(1) To fulfill the obligations as referred to in Article 9 paragraph (3), User Generated Content of Private Electronic Service Provider must: a. has governance regarding Electronic Information and/or Electronic Document, and b. has reporting mechanism.

(2) The governance as referred to in paragraph (1) letter a shall at least contain the following provisions:

- a. obligations and rights of Subscribers in using Electronic System services,
- b. obligation and rights of Private Electronic Service Provider in operating Electronic System,
- c. provisions regarding responsibilities for Electronic Information and/or Electronic Document uploaded by Subscribers, and
- d. availability of facilities and services as well as settlement of complaints.

(3) Reporting mechanism as referred to in paragraph (1) letter b shall be accessible to the public and can be used to file complaints and/or reports on prohibited Electronic Information and/or Electronic documents that are contained in the Electronic System.

(4) For complaints and/or reports on prohibited Electronic Information and/or Electronic Document as referred to in paragraph (3), Private Electronic Service Provider shall:

- a. provide responses to complaints and/or reports to the complainants and/or reporting parties,
- b. conduct independent examination of complaints and/or reports and/or request verification of complaints and/or reports to the Minister and/or the related Ministries or Agencies,
- c. provide notification to Subscribers regarding complaints and/or reports on Electronic Information and/or Electronic Documents uploaded by the Subscribers, and

d. reject complaints and/or reports if the reported Electronic Information and/or Electronic Document reported are not prohibited.

(5) A Private Electronic Service Provider that does not fulfill the obligations as referred to in paragraphs (1) and (4) will have their access to the Electronic System blocked based on this Regulation.

Article 11

A User Generated Content of a Private Electronic Service Provider can be waived of legal responsibilities on prohibited Electronic Information and/or Electronic Documents that are transmitted or distributed through its Electronic System if the Private Electronic Service Provider has:

- a. complied obligations as referred to in Article 9 paragraph (3) and Article 10 above,
- b. provided subscriber information who uploaded prohibited Electronic Information and/or Electronic Documents for law supervision and/or enforcement purposes, and
- c. conducted takedown against prohibited Electronic Information and/or Electronic Documents.

Circular Letter of Minister of Communications and Informatics Regulation No. 5 of 2016

Chapter V - Obligations and Responsibilities of UGC Platform Providers

C. Obligations of UGC Platform Providers

1. Obligations of UGC Platform Providers include:
 - a. Presenting terms and conditions of the use of the UGC Platform at least contain the following matters:
 1. Rights and obligations of Merchants or Users on using the UGC Platform services.
 2. Rights and obligations of Platform Providers on conducting UGC Platform business activities.
 3. Policies on the accountability of the uploaded contents.
 - b. Providing Reporting Feature which can be used to file a complaint on Prohibited Content on the UGC Platform they manage, to obtain information that shall at least include:
 - Link specifically leads to the Prohibited Content.
 - Reason/basis of Prohibited Content report
 - Supporting evidence, such as screenshots, statements, trademark certificates, and power of attorney.
 - c. Acting on the complaints or reports on contents, such as:
 1. Verify the report and request the complainant to complete the requirements and/or include any additional information in relation to the complaint and/or report as needed.
 2. Delete and/or block the prohibited content.
 3. Notify the Merchant that the content they uploaded is prohibited.
 4. Provide means for the Merchant to refute the claim that the content they uploaded is prohibited.
 5. Reject the complaint and/or report if the reported content is not Prohibited Content.
 - d. Observing the time for the deletion and/or blocking of Prohibited Content:
 - 1) In case of urgent Prohibited Content, no later than 1 (one) calendar day after the report is received by the UGC Platform Provider. Urgent Prohibited Content includes but is not limited to:
 - (i) Products of goods or services that are hazardous to health;
 - (ii) Products of goods/services that threaten the security of the state; (iii) Human and/or human organ

trafficking;

(iv) Terrorism; and/or

(v) Other content determined by the laws and regulations.

2) In the case of Prohibited Content as referred to in Roman Numeral V Letter B excluding the urgent Prohibited Content, no later than 7 (seven) calendar days after the report is received by the UGC Platform Provider.

3) In the case of Prohibited Content as referred to in Roman Numeral V Letter B number 1 letter e which is content related to goods and/or services that infringes intellectual property rights, no later than 14 (fourteen) calendar days after the complaint and/or report is received by the UGC Platform Provider complemented by supporting evidence as needed.

2. Responsibilities of UGC Platform Providers include:

a) Responsible for the running of electronic system and content management within the Platform in a reliable, secure, and responsible way.

b) Provision on letter (a) above do not apply in the case of provable error and/or negligence on the part of Merchants or Platform users.