



## **ARMA Update 28 June 2022**

*(English Version)*

### **Electronic System Operators Registration Deadline: 20 July 2022**

#### **General Overview**

On 14 June 2022, The Minister of Communications and Information Technology has set a registration deadline for Electronic System Operators (“**ESO**”) in the Circular Letter of the Minister of Communications and Information Technology No. 3 of 2022 regarding the Effective Date of Private ESO Registration (“**CL 3/2022**”). The CL 3/2022 was made based on Article 47 of the Minister of Communication and Information Technology Regulation No. 10 of 2021 (“**MoCI 10/2021**”) which stated that the registration for ESO’s is to be no later than 6 (six) months after the effective date the operation of the Risk-Based Online Single Submission system (“**OSS RBA**”), which is marked on 20 July 2022.

According to Article 6 of the Government Regulation No. 71 of 2019 regarding Implementation of Electronic Systems and Transactions (“**GR 71/2019**”), ESO’s both in the public and private sectors are required to register through a risk-based electronically integrated business licensing system or through the OSS RBA system.

This ARMA Update will discuss concerning which ESO’s are required to register and why this deadline is important to be noted as well as how this regulation could impact ESO’s for their business concerns.

#### **ESO’s which are Required to Register**

ESOs that have the obligation to register are operating ESOs that own portals, sites, or applications in the network via the internet that are utilized for:

1. Providing, managing, and/or operating the offering and/or trading of goods and/or services;
2. Providing, managing, and/or operating financial transaction services;
3. Delivery of paid digital materials or content through the data network either by downloading through portals or sites, sending by electronic mail, or through other applications to the Device of the Electronic System User;
4. Providing, managing, and/or operating communication services including but not limited to short messages, voice calls, video calls, electronic mail, and online conversations in the form of digital platforms, networking services and social media;
5. Search engine services, electronic information provision services in the form of writing, sound, images, animation, music, videos, movies, and games or a combination of part and/or in whole; and/or



6. Processing of Personal Data for operational activities serving the public related to Electronic Transaction activities.<sup>1</sup>

In addition, it is also to be noted that the deadline of the registration for private ESO' applies for both domestic and foreign ESO's to immediately register through the OSS RBA system.

### Impact on Unregistered ESO's

ESOs who have not registered must immediately enroll themselves through the OSS RBA system. However, if the registration is not carried out until 20 July 2022, the Ministry of Communication and Information Technology will **terminate access** to the ESO. Termination of access is executed after receiving a report from the authorized institution or the establishment that oversees the concerned ESO field. Nonetheless, blocked ESOs still have the chance to register once they have fulfilled the obligations stated in the applicable laws and regulations.

### Impact on Registered ESO's

ESOs that have registered before the promulgation of the Minister of Communication and Information Technology Regulation No. 5 of 2020 ("MoCI 5/2020") are required to make changes to the data that has been applied on the system or re-register through the OSS RBA in order to adjust to the new requirements.

### ESO Registration Procedure

The registration system through the OSS RBA is as follows:

1. ESOs registers through the OSS RBA by filling out data such as electronic system name, business classifications ("KBLI"), domain name, and other requested description regarding ESO's scope of business;
2. ESOs will receive application confirmation (*konfirmasi permohonan*) through e-mail;
3. A post audit stage, which is the examination stage of the registration to ensure that the data entered into the system is in accordance with applicable laws and regulations;
4. The Revision stage, only if there is a data discrepancy of the ESO; and
5. ESOs will then be provided with a proof of registration such as business license number ("NIB") and a registration number ("TDPSE").

Moreover, there is no specific provision regarding the period of validity of the proof of registration. Hence, the proof of registration is valid as long as it is obtained. However, this does not rule out the possibility of a review from the government regarding the data that has been registered beforehand.

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<sup>1</sup> Article 2 Paragraph (2) of the MoCI 5/2020.



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