

# Indonesia ICT, e-Commerce & e-Business Industry Regulation<sup>1</sup> (Q&A Preview)

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by:

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## Infrastructure

**Q: What are the market entry requirements for a broadband telecommunication operator in Indonesia?**

A: According to our finding, based on Telecommunications Law No. 36/1999, Telecommunications Operation Governmental Regulation No. 52/2000, Operation of Telecommunications Services Ministerial Decree No. KM 21/2001 and Operation of Telecommunications Networks Ministerial Decree No. KM 20/2001, there are no special categorizations for broadband telecommunication operators.

A general provision applies for licensing purposes, where any operator should obtain a license from the Government of Indonesia (i.e General Directorate of Post and Telecommunication). The operator shall be a legal entity, whether in the form of State Owned Enterprise, Local Government Owned Enterprise, Private or Public Company as well as Koperasi (Cooperatives).

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It should, however, be emphasized that there is a difference or separation between license for Telecommunication Network Provider and Telecommunication Service Provider, although a company may at the same time possess those two licenses such as PT Telkom Tbk, PT Indosat Tbk, etc.

Under Article 4 - 5 of Operation of Telecommunications Services Ministerial Decree No. KM 21/2001, there is a restriction to the amount of operators by the Government i.e. Minister of Communication for telecommunication operators which utilize certain radio frequency spectrum allocation and or network access code. For this kind of operators, the license for telecommunication operator shall be granted through a selection process.

For telecommunication operators not utilizing certain radio frequency spectrum allocation and or network access code, however, the amount is not limited and the license is granted after an evaluation.

**Q: Could you, please, specify whether the Indonesian Telecommunications Regulatory Body (known as "BRTI") has commenced its operations?**

A: We have verified that the Indonesian Telecommunications Regulatory Body has started its duties. One among the results is its recommendation on the increase of fixed telephone fee in the beginning of April 2004. Besides, BRTI also is formulating several regulations related to the duopoly of Telkom-Indosat, provisions on interconnection and several other regulations.

**Q: Could you, please, specify whether BRTI has taken over all or any of the powers originally vested into the Ministry of Communication and Information and the Director General of Posts and Telecommunications?**

A: BRTI assumes a delegate authority from the Minister of Communication including the functions of regulating, monitoring, and controlling (Article 5 KM No. 31 Year 2003). The duties of BRTI as stipulated in Article 6 KM No. 31 Year 2003) among others;

- a. Regulation, including the formulation and stipulation of provisions on implementations of telecommunication networks and telecommunication services, as follows:
  - 1) licenses for telecommunication network providing and telecommunication services providing;
  - 2) operation performance standard;
  - 3) service quality standard;
  - 4) interconnection fee;
  - 5) telecommunication device and facility standard;
- b. Monitoring to implementations of telecommunication networks and telecommunication services, as follows:
  - 1) operation performance;
  - 2) business competition;
  - 3) telecommunication device and facility utilization;
- c. Controlling to implementations of telecommunication networks and telecommunication services, as follows:
  - 1) settlement to disputes among telecommunication network providers and telecommunication service providers;
  - 2) telecommunication device and facility utilization;
  - 3) implementation of service quality standard.

We should, however, emphasize that, due to the structure of BRTI that is composed and assigned by the Minister of Communication and the hierarchy of regulations in Indonesia, any decision made by BRTI shall be enacted in the form of the Decree of the General Directorate for Post and Telecommunication. This, in our point of view, is the weak point of the structure of BRTI according to Indonesian law.

**Q: Could you, please, specify whether is the mechanism for the appointment/removal of BRTI (its members) independent from the government?**

A: KM No. 31 Year 2003 indeed points out that in carrying out its duties BRTI shall be free from any influences of power or interests of other parties (Article 7 KM No. 31 Year 2003). Nonetheless, we argue that the stipulation does not automatically cause BRTI to be independent from the Government, considering that:

- a) BRTI's structure of membership and their assignments is ruled by the Minister of Communication through a mechanism and selection procedures that is carried out within the Department of Communication themselves. This in fact causes BRTI's level of independence to fall far beyond other institutions such as Bank Indonesia, Komisi Pengawas Persaingan Usaha (KPPU), Komisi Penyiaran Indonesia (KPI) and other institutions whose establishments are directly ruled by Laws and their members are appointed through a harsh selection with a fit and proper test mechanism while also involving the DPR.
- b) BRTI is a fusion of the General Directorate of Post and Telecommunication and the Committee for Telecommunication Regulation. It should be understood that the General Directorate of Post and Telecommunication is a part of the Department of Communication and is structurally within the Department of Communication.

- c) Under Article 8 KM No. 31 Tahun 2003, any decision of BRTI shall be enacted in the form of the Decree of the General Directorate of Post and Telecommunication. This is necessary for the decisions to have a more extensive binding power to the telecommunication industry.

**Q: Is the telecommunications sector opened to foreign investments through a joint venture arrangement?**

A: According to Presidential Decree No. 118/2000 Concerning On The Amendment To Presidential Decree No. 96/2000 On Business Fields Closed And Open To Investments On Certain Conditions, and in conjunction with Article 6 of Government Regulation No. 20/1994 Concerning On Investment, the Indonesia partner's share in a joint venture company must be at least 5 (five) percent.

## **Internet Content**

**Q: Does Indonesia have an Internet content regulator? If yes, could you, please, specify its identity?**

A: There are no Government policies concerning any regulator or regulatory body specifically performs the functions of regulating the contents of the Internet. Nevertheless, the function is performed by agencies or institutions related to content-providing for certain subjects. For examples, a news website shall be in compliance to provisions stipulated in the Law on Press. Whenever there is a breach to the provisions, Dewan Pers as the relevant institution shall decide on the breach.

For your information, five years ago the Government has dismissed the Department of Information Dissemination whose duty, among others, is to regulate and provide directives for activities related to dissemination of information including, but not limited to radio and television broadcasting, and printed media. There are no governmental bodies ever since specifically deal with the issues of information dissemination.

In 1998, the Government establishes a new ministry to replace the Department of Information Dissemination i.e. the State Ministry for Communication and Information. The ministry, however, does not have the authority to regulate activities related to broadcasting and information dissemination.

**Q: Does Indonesia have any law (legislation and/or a judicial decision) classifying the Internet as a kind of broadcasting media?**

A: We observe that, according to Indonesian law, it is the regulation in the field of telecommunication alone which explicitly assert that Internet is a form of telecommunication in Indonesia.

Broadcasting Law (Law No. 32 Year 2003 on Broadcasting) does not explicitly mention that Internet is one among broadcasting media. We agree to your interpretation of the notion 'broadcasting', that Internet may be included as a broadcasting media. Moreover, the Elucidation of the Law No. 32 Year 2003 mentioned above indeed indicates that the Internet is a specific form in the operation of broadcast.

**Q: If the Internet classifies as a kind of broadcasting media, does the Indonesian Broadcasting Commission actually exercise the control over the Internet content in its capacity to control the media?**

A: according to our knowledge, Indonesian Broadcasting Commission until recent has not yet engaged in any regulation, control, or intervention in any kind to internet content.

**Q: Could you, please, specify whether the mechanism for the appointment/removal of the Central Indonesian Broadcasting Commission's members is independent from the government?**

A: We should say that the election process of KPI (Central Indonesian Broadcasting Commission) members is adequately independent from the Government. The mechanism is open, carried out through several screening stages including fit and proper test by the DPR. Here, the President as the head of the State functions only to endorse candidate members which has been selected and recommended by the DPR.

## **e-Commerce**

**Q: Could you, please, specify the legislative status of the draft bill on "Electronic Information and Transactions" (the "E-com Bill")?**

A: To the best of our knowledge, the Government of Indonesia has already carried out the finalization of the Bill to the phase of a joint team consist of several governmental bodies. The Bill, nevertheless, has not yet been submitted to the DPR for further discussion.

**Q: Could you, please, specify whether the E-com Bill generally covers all or any of the areas listed in sections below.**

- E-documents/e-messages/e-contracts
- E-signatures
- Admissibility of e-documents/e-messages/e-signatures in legal proceedings
- Regulation of certification authorities

Note :  → Generally covers the subject

**Q: Is there any law specifically addressing the e-signatures and certification authorities?**

A: Currently, there is no specific law in Indonesia regarding e-signatures and certification authorities.

**Q: Is there a certification authority in Indonesia? If yes, could you, please, specify its identity?**

A: Yes, there are at least two certification authorities (CA) in Indonesia. PT Telkom Tbk, with the B2B Division operates i-Trust (<http://www.i-trustonline.com>) which is a private CA. Besides, PT Indosat Tbk also operates a CA under the name of Indosign. Nonetheless, the business sustainability of these two Cas is unknown.

**Q: Is a certification authority identified above a legal entity separated from the Indonesian government?**

A: Yes. Both of them are private-owned company. Government's need of e-signature/public key infrastructure is tackled by Badan Sandi Negara (State Code Agency).

**Q: Can you describe the mechanism adopted for the appointment/removal of a certification authority (or its members) identified above? Is such mechanism independent from the government?**

A: There is no regulation on this matter in Indonesia

### **Electronic Evidence**

**Q: Could you, please, specify whether there is a law (legislation/court rules/judicial decision) addressing any of the matters specified below?**

#### **- Admissibility of e-documents in legal proceedings**

A: Recognition to e-documents in legal examination by the court so far has not yet included activities related to e-commerce. There is, however, the Law No. 8 Year 1997 with its implementation in the Government Regulation No. 88 Year 1999 that regulates the procedure to transform documents. This, in effect, makes electronic documents still not yet accepted by the court should there be infringements and or crimes related to e-commerce.

There are indeed several legal provisions recognized electronic documents, but hitherto they are limited only to corruption, money laundering, and terrorism. These, moreover, still needs implementing regulations for e-documents to be submitted in these special cases.

**- Preservation of e-documents for admission as evidence in legal proceedings**

A: No, there is not any.

**- Discovery and protection of e-documents in legal proceeding**

A: No, there is not any.

## **Privacy and Data Protection**

**Q: Could you, please, specify if there is any legislation that specifically addresses privacy/data protection issues such as collection, use, storage and protection of data?**

A: There is no legislation in this topic

**Q: Is there a regulator that deals with data protection/privacy issues in Indonesia? If yes, could you, please, specify its identity?**

A: No, there is not any.

**Q: Is the data protection regulator identified above a legal entity separated from the Indonesian government?**

A: There is no regulator in this matter

**Q: Can you describe the mechanism adopted for the appointment and removal of the data protection regulator (or its members) identified above?**

A: No, there is not any.

**Q: Does Indonesia have a dispute resolution mechanism established specifically for resolving disputes or grievances relating to breaches of privacy and/or data protection principles?**

A: There is no institution in Indonesia that has competency to resolve disputes relating to breaches of privacy/data protection.

## **Consumer Protection**

**Q: Is there any legislation specifically addressing the subject of consumer protection in the electronic environment?**

A: There is no legislation specifically addressing that subject. Just as with other legal provisions in Indonesia, provisions on consumer protection in Indonesia do not specifically rule over protection in e-commerce transactions.

**Q: Could you, please specify whether there is a judicial/official decision addressing the applicability of the Law Concerning Consumers Protection No. 8/1999 in the electronic environment?**

A: To the best of our knowledge, there are no judicial decisions related to the application of the Law on Consumer Protection No. 8/1999 in electronic environments.

**Q: Is there any law (legislation/judicial decision) advocating that all e-commerce relating marketing practices in Indonesia must be fair and honest?**

A: There is none of it.

**Q: Is there any dispute resolution mechanism established specifically for the resolution of disputes relating to consumer protection in the electronic environment.**

A: No, there is not. We don't have specific institution for resolution of disputes on electronic environment cases.

## **Domain Name**

**Q: Whis is the the administrator and registrar of domain names under .id.?**

A: IdNIC (Indonesia Network Information Centre – [www.idnic.net.id](http://www.idnic.net.id)) is an institution performing the function of registering domain name with country-code Top Level Domain (ccTLD) .id in Indonesia. The registration process of the domain name .id is carried out using web-based online forms or viae-mail, thus sent to concerning providers of Second Level Domain (SLD), such as co.id, or.id, ac.id, web.id, mil.id, sch.id, go.id and net.id. Because IdNIC is not yet a registered legal entity in Indonesia, for billing and registration fee administration purposes, IdNIC cooperates with Asosiasi Penyelenggara Jasa Internet Indonesia (Indonesia ISP's Association). The cooperation takes the form of revenue sharing.

**Q: Could you, please, specify whether there is a mechanism established specifically for resolving domain name disputes in Indonesia?**

A: For TLD (Top Level Domain) and ccTLD .ID, Indonesia does not have any specific regulation to settle domain name disputes. The landmark case for TLD is [www.mustika-ratu.com](http://www.mustika-ratu.com), which processed through criminal procedures whereas the accused found guilty by the Supreme Court.

For ccTLD purpose, up until now there are no cases related to it (zero case). There is an indication that this condition is due to the registration process for ccTLD .ID in Indonesia employs considerably strict requirements.

For SLD [web.id](http://web.id) and [or.id](http://or.id), applicants may apply on behalf of themselves with their personal names and shall be eligible to attach only a copy of their ID Cards (KTP).

For SLD [co.id](http://co.id), applicants should be companies and should accompany their application with copies of NPWP and SIUP

For SLD [go.id](http://go.id) (government instances), [ac.id](http://ac.id) (education institutes D1 in minimum or course institutes), [sch.id](http://sch.id) (education institutes of a high school level or lower), [mil.id](http://mil.id) (military instances), applicants should apply on behalf of their concerning institutions by attaching a copy of official recommendation letter from the institutions.

For SLD [net.id](http://net.id), applicants are limited only to companies in the field of telecommunication networks and or Internet, should apply on behalf their company while accompany their application with a copy of official recommendation letter from a relevant institution such as General Directorate of Post and Telecommunication.

Basically, IdNIC employs a first-come-first-serve method. However, if the domain name requested is the same with or similar to a certain renowned trade mark, IdNIC administrator shall require the applicant to accompany his document requirements with a letter of confirmation from the Department of Justice and Human Rights confirming his ownership of the trade mark. IdNIC administrator will also hold an open discussion to ask for inputs from Indonesian Internet communities should there be hesitation in the part of IdNIC to take measures related to domain name disputes.

The open discussion is hosted by a mailing-list [idnic@rs.net.id](mailto:idnic@rs.net.id). IdNIC does not allow any domain name requested should it contain elements of pornography, racial, religious, intercircle, and or ethnic hatred, (SARA) as well as certain geographical names such as city, province, or state names.

**Q: Could you, please specify whether Indonesia agreed to adhere to the Uniform Domain Name Resolution Policy (“UDRP”)?**

IdNIC Administrator has already had a standard rules, as is explained above, to minimize domain name disputes. The combination of first-come-first-serve method and a harsh administrative requirements, as well as inputs from internet communities where necessary, is proven to be effective to prevent domain name disputes. Therefore, .ID domain name disputes do not involve international domain name dispute resolution such as UDRP ([www.icann.org/udrp](http://www.icann.org/udrp)). IdNIC is not responsible either for registration and disputes of domain name outside .ID, e.g. generic Top Level Domain (gTLD) .com, .net, .org, etc.

## **Intellectual Property**

**Q: Does the Trade Mark Law No. 15/2001 expressly extend to the online environment?**

A: It does not. But there are some lawyers, however, who argues that the substance of Trade Mark Law No. 15/2001 can be applied to online cases.

**Q: Is there any judicial/official decision addressing the applicability of the Trade Mark Law No. 15/2001 in the online environment?**

A: There is no judicial/official decision addressing in the online environment

**Q: Does Indonesia have any other legislation/judicial decision expressly addressing the trademark protection in the online environment?**

A: There is no judicial/official decision addressing the trade mark protection in the online environment

**Q: Does Indonesia have a dispute resolution mechanism established specifically for resolving disputes relating to the online infringement of trademark rights, copyrights and/or database rights?**

A: There in no institution in Indonesia have competency to resolving disputes relating to online infringement of trademark rights, copyrights and/or data base rights. To the best of our knowledge, if any cases relating to infringement trademark rights, copyrights and/or data base rights we have mechanism in Commercial Court to resolve the dispute.

## **e-Finance / e-Banking**

**Q: Is there any law (legislation/judicial decision/regulatory instrument issued by the Central Bank of the Republic of Indonesia) governing the provision of e-banking and/or e-finance services on the Internet in Indonesia?**

A: Yes there is Circular Letter of Central Bank on this matter.

**Q: Is the mechanism for the appointment/removal of the Governor and the Senior Deputy Governor of the Central Bank of Indonesia independent from the government?**

A: Since the enactment of the Law No. 23 Year 1999 on Central Bank nullifying the Law No. 13 Year 1968 on Central Bank, it is explicitly stated that the main duty of (BI) is no longer assisting the Government. Conceptually, this aspect suits the expectation that BI should be independent, autonomous, and has an unquestionable right to draw its policies.

In addition, Elucidation of the Law No. 23/1999 also assert that in order to support its duties, central bank should be allowed to perform necessary banking activities. This context shows that albeit carrying out its conventional duties, BI shall also be eligible to perform other activities of a micro nature, such as opening L/C for several institutions.

This in fact has fail BI's principle of independence, because this kind of activities is not only likely to cause a conflict of interest, but also reducing business opportunities for commercial banks. Despite doing it itself, BI should better pass on the activities to government-owned commercial banks, so that BI can concentrate on its main duty to preserve monetary stability.

It can be concluded from the above exposition that as an institution BI is in nature not a part of the Government. In other words, BI is separated from the Government, but in performing its duties, any measures taken by BI should be based on and in line with Government policies. From this, it will not be completely wrong to say that BI is not independent.

The selection, assignment, and dismissal of the Governor of BI are indeed conducted through a reasonably tough selection mechanism. For the sake of legitimating, although, it would be better of if the Governor is not hand-picked and then put into office by the President. The whole process should be done by DPR. President indeed may have right to submit some names, but the names should be nominations by nature, while the decision shall be in the hand of DPR. This should apply also to the accountability report; The Governor of BI should answer to DPR as the trustee. This way, BI will not only free from government subordination but also sits on the same level.

With the Law No. 23 Year 1999 and thus ruled by a mechanism to decide on the Governor and Senior Deputies to Governor, those who occupy positions in the Council of Governors are indeed selected persons with a guaranteed integrity, capability, and credibility.

Relevant to this, any candidate Governor and Senior Deputies to Governor shall pass the fit and proper test, thus articulates their vision, experience, expertise or capabilities before the DPR. DPR subsequently shall recommend to the Government on those who are considered to have passed the fit and proper test.

Government then will decide on who are to be the Governor and Senior Deputies to Governor. Nonetheless, it is not impossible for any government intervention, one that the mechanism should prevent, by assuring that the Governor and Senior Deputies to Governor are those of a sound competence and experience with a guaranteed integrity, capability, and credibility.

As a conclusion, as an institution BI is not independent, but in regard to the election of the Governor and Senior Deputies to Governor it can be said that BI is independent from the Government. Government does not have the authority to choose or remove them. Government only confirms the assignment of the Governor and Senior Deputies to Governor based on DPR's recommendation after a fit and proper test.

**Q: Is there any exchange control in Indonesia?**

A: Yes, there is Bank Indonesia Regulation No. 1/9/PBI/1999 on Monitoring of Foreign Exchange Flows of Banks and Non-Bank Financial Institutions.

**Q: Is there a legal requirement for non-financial entities that provide financial services in Indonesia to obtain a license from the Central Bank of the Republic of Indonesia?**

A: Basically, non-financial entities that provide financial services is regulated by specific regulation, i.e. the Insurance Company is regulated by Law No. 12 Year 1992, Retirement Fund Company is regulated by Law No. 11 Year 1992 and Financing Company is regulated by Presidential Decree is regulated by Presidential Decree No. 61/1980.

The license for non-financial entities that provide financial services in Indonesia is given by Ministry of Finance. In this matter, Central Bank of Republic of Indonesia has the authority to oversee this kind of services.

**Q: Are there any reporting requirements for entities (both financial/non-financial) providing e-banking/e-financial services in Indonesia?**

A: Yes there are. These requirements are regulated by:

- a) Central Bank of Republic of Indonesia Regulation No. 5/8/PBI/2003 Dated 19 May 2003 regarding The Application of Risk Management of Banks
- b) Central Bank of Republic of Indonesia Board of Director Decree No. 27/164/KEP/DIR Dated 31 March 1995 regarding The Use of Information Technology.
- c) Central Bank of Republic of Indonesia Circular Letter No. No.6/ 18 /DPNP dated April 20, 2004 regarding the Application of Risk Management of Bank to Internet Banking Services

**Q: Does Indonesia have any law (legislation/judicial decision/regulatory instruments issued by the Central Bank of the Republic of Indonesia) expressly addressing the subject of money laundering in relation to e-banking/e-finance services?**

A: We have Money Laundering act but not specifically addressing cases relating to e-banking/e-finance services. But, in broad interpretation, this Money Laundering Act and another Central Bank of Republic of Indonesia (mention above) are applicable to money laundering cases that related to e-banking/e-finance services.

**Q: Does Indonesia have any law (legislation/judicial decision/regulatory instruments issued by the Central Bank of the Republic of Indonesia) expressly addressing secure e-payment mechanisms?**

A: No, we do not have any law regarding this matter.

## **Taxation and Customs**

**Q: Does Indonesia impose a further tax on electronic transactions beyond traditional taxes such as sales tax at the origin of sale or provision of services?**

A: Indonesia doesn't impose further tax on e-transaction beyond traditional tax. There is still no specific regulation on this matter in Indonesia.

**Q: Does Indonesia impose custom duties on online services at the point of consumption of services?**

A: No, it does not.

## Conflict of Laws

**Q: Does Indonesia have any legislation or a judicial decision setting out the rules for determining when Indonesia has jurisdiction over disputes relating to e-commerce transactions?**

A: There is no specific legislation/judicial decision on this matter.

**Q: Does Indonesia have any legislation or a judicial decision setting out the rules for determining which country's laws will be applicable in disputes relating to e-commerce transactions?**

There is no specific legislation/judicial decision on this matter.

**Q: Does Indonesia's legislation provide for the recognition and enforcement of foreign judgments?**

A: According to Article 436 - 437 of Burgelijke reglement of de Rechtsvordering (usually named "RV") Indonesian Courts generally do not recognize foreign court judgment.

Judging from the nature, there are three types of judicial decision in Indonesia, i.e. constitutive decision, declaratory decision, and condemnatory decision (requiring execution). Foreign judicial decision of a constitutive and declaratory nature (e.g. marital divorce, children adoption, etc.) shall be acknowledged. A condemnatory decision of a foreign judicial authority, however, shall not be acknowledged by Indonesian courts.

## **Dispute Resolution**

**Q: Does Indonesia have any online mechanism for resolving disputes?**

A: There is no any regulation on this topic.

## **Penalties**

**Q: Is there any legislation or a judicial decision specifically addressing the issue of civil remedies available for:**

**- Online trade mark infringement**

A: Trade mark infringements insofar are not specifically regulated. The Law No. 15 Year 2002 shall prevail should there be trade mark infringements. The Law, however, does not specifically recognize online trade mark infringements.

**- Financial loss caused by fraud or forgery in e-commerce transactions**

A: So far there are no specific regulations ruling over theft and or financial loss in e-commerce activities. The Criminal Law and other regulations related to crimes that cause financial loss shall prevail should any case occur concerning theft and or financial loss in e-commerce activities.

**- Compromise of data**

A: There are no specific regulations. The Criminal Law shall prevail should any case occur concerning theft.

**- Violation of network integrity**

A: There are no specific regulations concerning disturbance to networks. The Law Telecommunication No 36 Year 1999 Article 22, however, assert that anyone is prohibited to manipulate in an unrightfully or unauthorized manner; (a) access to telecommunication networks; and or (b) access to telecommunication services; and or (c) access to special telecommunication networks.

**- Spam**

A: N/A

**- Online defamation**

A: N/A. the DoJ would use traditional Penal Code of Indonesia

**- Online false/misleading advertisement**

A: Online false / misleading advertisement. Misleading advertisement is regulated in the Advertising Code of Ethics. When it comes to public interest, misleading advertisement may be charged under the Law No. 8 Year 1999 on Consumer Protection and Criminal Law.

**Q: Is there any legislation or a judicial decision setting out criminal penalties for**

**- Unauthorized access to/Interference with computer systems**

A: Unauthorized access is regulated in Article 22 the Law No.36 Year 1999 on Telecommunication, where anyone is prohibited to manipulate in an unrightfully or unauthorized manner; (a) access to telecommunication networks; and or (b) access to telecommunication services; and or (c) access to special telecommunication networks.

**- Unauthorized interception of/Interference with data**

A: The same as above

**- Posting obscene content on the Internet**

A: No specific regulation. The DoJ would use traditional Penal Code

**- Fraud through e-commerce**

A: No specific regulation. The DoJ would use traditional Penal Code

**- Forgery in e-commerce transactions**

A: No specific regulation. The DoJ would use traditional Penal Code

**- Online trade mark infringement offences**

A: Online trade mark infringement offences are not yet specifically regulated. The Law No. 15 Year 2002 shall prevail should there be trade mark infringements. The Law, however, does not specifically recognize online trade mark infringements.

**Q: Is there any criminal penalty for other types of acts relating to misuse of computer systems?**

A: No specific regulation. The DoJ would use traditional Penal Code. Actually Legislative Body of House of Representative has receive A Bill concerning Cyber crime fo a reputation NGO's, please refer to [www.gipi.or.id](http://www.gipi.or.id)