



July 2022 – Issue 2

**ABOUT M&T ADVISORY**

M&T Advisory is a digital publication prepared by the Indonesian law firm, Makarim & Taira S.

It informs generally on the topics covered and should not be treated as legal advice or relied upon when making investment or business decisions.

Should you have any questions on any matter contained in M&T Advisory, or other comments in general, please contact us at the emails provided at the end of this article.

**ADDRESS**

Summitmas I, 16th & 17th Floors  
Jl. Jend. Sudirman Kav. 61-62  
Jakarta 12190

**PHONE**

+6221 5080 8300 | +6221 252 1272

**FAX**

+6221 252 2750/51

makarim.com Makarim & Taira S.

## Update on the Registration Obligation of Private Electronic System Organizers

Under Government Regulation 71 of 2019 on the Implementation of Electronic Systems and Transactions, Electronic System Organizers (“ESO”) are required to be registered with the Ministry of Communication and Informatics (“MOCI”). In addition, under MOCI Regulation 5 of 2020 (as amended by MOCI Regulation 10 of 2021), this registration obligation must be complied with within 6 months of OSS-RBA licensing coming into effect.

The MOCI has issued Circular Letter 3 of 2022 on the Effective Date of Private ESO Registration as a follow up to the above requirement. The key points of the Circular Letter include among others, the following:

1. Private ESOs (both domestic and foreign) must be registered within 6 months of 21 January 2022;
2. for not registering by 20 July 2022 a Private ESO will be subject to an administrative sanction imposed by the MOCI (i.e., access blocking);
3. they must register through the OSS-RBA website (<https://oss.go.id>); and
4. registration guidelines are available at <https://komin.fo/pendaftaranpseprivat>

A Private ESO is defined as a person, business entity or member of the public who organizes an electronic system. The Private ESOs that are required to register under MOCI Regulation 5 of 2020 are the following:

- a. those either regulated or supervised by the relevant ministry or institution according to the prevailing laws and regulations; and/or
- b. those which have internet portals, sites or applications and are engaged in, among other activities, the following:
  - 1) the provision, management and/or operation of the offering and/or trading of goods and/or services;
  - 2) the provision, management or operation of financial transaction services;

- 3) the delivery of materials or paid digital content through data networks, by downloading them through portals or sites, their delivery through e-mails or through other applications to users' devices;
- 4) the processing of personal data for their operation to serve the public related to electronic transaction activities.

If your electronic system meets the above criteria for a Private ESO, its registration through the OSS website is recommended and at the same time, it will be interesting to learn how MOCI will manage the massive task of monitoring and supervising compliance with the registration obligation of Private ESOs (both domestic and foreign).

\*\*\*



**Reagan Roy Teguh**  
*Senior Associate*  
reagan.teguh@makarim.com



**Lia Alizia**  
*Managing Partner*  
lia.alizia@makarim.com