

## UPDATE



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## GAME PUBLISHERS SHALL BE INCORPORATED UNDER INDONESIAN LAW

The Ministry of Communication and Informatics of Indonesia (MoCI) determines to impose a new policy to game publishers whose services are performed for Indonesian users. The Regulation will oblige them to be incorporated in Indonesia. Game publishers, accordingly, can no longer be individuals. They shall be registered legal entities.

Concerning the policy, MoCI has completed the draft. The next stage to go is waiting for review mechanism by Ministry of Law and Human Rights. The policy is embodied into regulation expected to be in force shortly. Once prevailing, game publishers only have 6 (six) to 12 (twelve) months to adaptation. Or otherwise, non-compliance will lead to access blockage.

The obligation binds both foreign game enterprises and locals. To guarantee that all publishers are noticed, socializations will be provided which will at the same time erase any excuses of unawareness. No leeway for ignorance.

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Furthermore, the Regulation is led to supervise content-substance of games which will be subject to one-sided assessment conducted by MoCI. If the content-substance is considered inappropriate, MoCI holds authority to drive it inaccessible until the publisher commits adjustment be in line with the Regulation.

Speaking of one-sided assessment, it may refer to the existing regulation, which is Permenkominfo No. 11 Tahun 2016 tentang Klasifikasi Permainan Interaktif Elektronik [MoCI Regulation No. 11 Year 2016 on The Classification of Electronic-Interactive Games] ("Permenkominfo 11/2016"). According to it, assessment will seemingly be implemented again by The Classification Committee that is formed by and to report to Dirjen Aptika (Directorate General of Informatic Application of MoCI).

Unfortunately, the Regulation discussed herein is still a non-downloadable draft. Informations as reference are gathered from secondary open sources including news outlets. MoCI alone promised to accomplish the draft by the end of last January, yet the draft is hardly accessible and the promise fails to satisfy.

## **If Refer to Permenkominfo 11/2016**

The obligation to have game publishers incorporated under Indonesian law did not emerge yet in Permenkominfo 11/2016. As stated under Article 1[2], to be a legal entity is not compulsory. Game publishers could be individuals. However, the compliance level requested from game publisher legal entity and individual no differs.

For instance, compliance about age classification, both legal entity and individual must abide by 5 (five) sorts of games according to age of the users: games for users [i] aged 3 (three) year or above; [ii] aged 7 (seven) years or above; [iii] aged 13 (thirteen) or above; [iv] aged 18 (eighteen) or above; and [v] all age. Game under a certain age group must accordingly pay attention to specific contents prohibited to be inserted in the game.

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Aside from content-related restriction, we may also refer to Permenkominfo 11/2016 to speculate the requirement that might be enforced in the next Regulation. If changes are not that many, a set of existing prerequisites when filing a registration will be as follows:

- name of the game;
- distribution platform;
- release time;
- version;
- targeted player age;
- game description;
- gameplay in the form of video and/or screenshoted pictures;
- composition including warning;
- recommended time limit for game use according to age.

According to Article 11 of Permenkominfo 11/2016, game publishers must first register the game on a dedicated website ([www.igrs.id](http://www.igrs.id)). Furthermore, personal informations regarding the person in charge of the game are collected, among others, the birthdate, address, phone number, email address.

## Takeaway

Although Permenkominfo 11/2016 itself is not explicit in mentioning the legal consequence against any non-compliance actions, it is so predictable: what else other than access blockage? Access blockage happens to be prevalent recently, but this is not the only sanction to give. There are some others. However, be aware of permanent shutdown. This is the most serious disincentive which likely ruins the business.

For today, game publishers might start to open ears to the updates of the (draft) Regulation to catch up with at least two things: when the Regulation enters into force and what obligations to incur.