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RE: Child Protection Governance Arrangements in Electronic System Operation with Electronic System Operators (PSE)

I write to you on behalf of the Asia Video Industry Association (AVIA). AVIA is the trade association for the video industry and ecosystem in Asia Pacific. It serves to make the video industry stronger and healthier through promoting the common interests of its members. AVIA is the interlocutor for the industry with governments across the region and leads the fight against video piracy as well as publishing reports and hosting industry conferences. Its aim is to support a vibrant video industry for the benefit of all stakeholders.

AVIA welcomes the opportunity to comment on the questions posed by Komdigi prior to the Focus Group Discussion on 12 February. However, given that we only received the questions on 11 February and have been asked to submit our written comments by 17 February, we do not believe this constitutes sufficient time to fully prepare a response. However, we would offer the following comments on general principles on child protection online from the perspective of the online curated content industry.

As a responsible part of the video industry, we agree that it is important to create a safe digital space for children; indeed AVIA's Governance Framework for the Online Curated Content¹ industry lays out mechanisms and tools which the Online Curated Content (OCC) industry has put in place to ensure robust control of access by the consumer, whether by PINs, passwords or other means to restrict access. We recognise the growth by minors in accessing data and online content through a variety of electronic means in the digital space. Online content comes in many different forms from curated content, to user-generated content, short-form video, long-form video, gaming, shopping, travel booking etc. Any regulations introduced should consider the different ways in which consumers access online services, both legitimate and illegal, as well as the types of online services.

AVIA recognises the importance of implementing effective age restrictions to ensure children's safety in the digital space. OCC services already take their responsibilities to the consumer very seriously. The way that consumers access content on OCC services is distinct from other parts of the online ecosystem. The OCC platforms require users to register accounts before accessing their services. Typically, these services come in a subscription model, impose a minimum age

¹ <https://avia.org/wp-content/uploads/2024/06/OCC-Governance-Framework-2024.pdf>

requirement of 18 years and require a valid payment method, such as a credit card, which serves as an effective age verification mechanism. Furthermore, the content to be viewed is selected and controlled by the consumer, at a time, place and on a device of their choosing. Consumers make informed decisions on age-appropriate content based on clear ratings guidance and program descriptors that can be accessed directly in the platforms.

Ensuring that children cannot register for platforms or services that are inappropriate for their age requires a balanced approach. AVIA supports empowering parents with tools that allow them to manage their children's digital experiences effectively. Many OCC services already have parental controls, PINs, passwords or other safety-by-design tools enabling consumers to decide which content is appropriate, including for minors. Additionally, OCC services always involve a subscription element (i.e. the user cannot just watch it without signing up/in) and as such usually require some form of payment method, like credit cards, which therefore act as a natural age-gate.

Effective implementation of age restrictions requires a multi-stakeholder approach involving industry players, regulators, and self-regulatory bodies. AVIA supports an industry-driven model where platforms take responsibility for implementing child protection mechanisms while complying with regulatory guidelines. Several countries have successfully adopted hybrid regulatory models. For example, Malaysia's Content Code serves as a self-regulation framework, outlining standards for child protection and content classification.

Equally AVIA notes that apart from the legitimate online space, there remains a large amount of unregulated, pirated content, easily accessible for consumers. Whilst we recognise Indonesia's efforts in tackling illegitimate content, it persists, with recent surveys conducted by AVIA's Coalition Against Piracy showing that over 50% of Indonesian consumers access pirated content. We would urge Komdigi to ensure that any measures introduced on the legitimate part of the industry don't inadvertently push consumers further towards the illegitimate part which, due to being unregulated, becomes easier to access/more attractive but which carries riskier content with no guardrails in place.

In conclusion, AVIA would recommend that any draft text should be clear on the intended scope of services to be regulated. And in particular for OCC, AVIA recommend adopting a light touch approach for OCC as they have a very different business model from other forms of digital services (e.g., e-commerce marketplace, social media etc.) and do not require the same level of supervision. This differentiated approach is also consistent with Indonesia's Personal Data Protection Law. We urge Komdigi to ensure that any additional guidance on the protection of children's personal data should be based on the existing Personal Data Protection Law principles and do not add unnecessary compliance burdens to companies.

We hope the Ministry finds these suggestions helpful, and of course we are happy to participate in any further dialogues with the Ministry if that is deemed useful. Additionally, if Komdigi would find it useful, AVIA would be happy to share more details behind our Governance Framework.