Collaboration Principles between Telecommunication Operators and Over-The-Top (OTT) Platform Providers in the Context of the Indonesian Job Creation Regulation

Ahmad M. Ramli
Professor of Cyber Law and Digital Transformation Center, Faculty of Law, Universitas Padjadjaran

Tasya Safiranita Ramli
Head of Cyber Law and Digital Transformation Center, Faculty of Law, Universitas Padjadjaran

Ega Ramadayanti
Student of Cyber Law and Digital Transformation Center, Faculty of Law, Universitas Padjadjaran

Maudy Andreana Lestari
Student of Cyber Law and Digital Transformation Center, Faculty of Law, Universitas Padjadjaran

Rizki Fauzi
Student of Cyber Law and Digital Transformation Center, Faculty of Law, Universitas Padjadjaran

Abstract: As anticipated, the existence of telecommunication regulations has become the focus of public attention as it can provide various protections. Further, the Indonesian Job Creation Law has provided new implications for the telecommunications operators in the form of Government support. Based on the principles of fairness, impartiality and non-discrimination, as well as maintaining service quality, it is expected that the telecommunications operator system in Indonesia will be able to develop and provide the best facilities in keeping with community needs. This has also opened up opportunities for the implementation of a new pattern of cooperation with the Over-The-Top (OTT) service that has been growing in popularity. This study applies a normative research method with online data collection techniques and seeks to produce an analysis, socialization and education with regards to the emergence of telecommunications operations principles, as well as the implementation of these principles in the Job Creation Law and its Implementing Regulations.

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Introduction

Nowadays, the Omnibus Law or Job Creation Law 11/2020 in Indonesia has played an active role in supporting the digital era. This support can be seen from how the Telecommunication cluster emerges in the Job Creation Law that surely can stimulate the acceleration of the Information, Technology and Communication (ICT) Industry. The ICT industry is basically supported by the technology and information sector that is becoming a basic need, especially in the economic sector. The emergence of technology is also followed by the development of electronic equipment, one of which is computer technology equipment that has given rise to communication satellites for telecommunications facilities (Koloay, 2016)

Supported by the ICT acceleration, telecommunications operations have become increasingly varied. As widely known, the telecommunications sector has become oxygen to support life with its extensive role. With regards to its role, telecommunication has a broad definition. Quoting the International Telecommunication Union (ITU) viewpoint, telecommunications is defined as transmission, emission, and reception of signs, signals, images, sound, writing, or various forms, optical, radio, or other means in an electromagnetic system (Orji, 2018). Then, ITU manages to include all the activity elements that may be classified within the scope of telecommunications, including:

a) transmission of signs, signals, writing, pictures, sound or intelligence of any kind by cable, radio, visual or other electronic means;

b) emission of signs, signals, writing, pictures, sound or intelligence in any form through cable, radio, visual, or other electromagnetic systems; and magnetic systems; and

c) reception of signs, signals, writing, images, sound, or intelligence of any kind via cable, radio, visual, or other electromagnetic systems.

Furthermore, telecommunication can be classified as it is divided by the General Agreement on Trade in Services (GATS) into basic telecommunications and value-added telecommunications services that are considered important to support human activities: value-added telecommunication services such as electronic mail (e-mail), voice messages (voice mail), electronic data processing using the Internet network (online data processing), electronic data transfer, and so on (Budhijanto, 2010)

As mentioned above, it can be seen that telecommunication services play an essential role. In Indonesia, the implementation of telecommunications indicates progress, especially since the

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issuance of Law Number 36 of 1999 on Telecommunications (Telecommunications Law). At that time, a conducive climate had been created for telecommunications operators: the Telecommunications Law changed the paradigm of previous telecommunications regulations to be anti-monopolistic, providing space for business competition, as well as oriented to the interests of consumers and telecommunications users. However, after more than two decades, it is considered that the law requires strategic updates.

Thus, it seems that the Job Creation Law is able to fulfil the need for ease of doing business in the context of improving the national economy. By using the concept of Omnibus Law, this law is able to simplify numerous laws and regulations that sometimes overlap with revisions or revocation of the previous laws (Putra, 2020). This can also be applied to laws and regulations that are no longer relevant, especially in supporting the national economy.

The telecommunications service industry in Indonesia has become a necessity, especially with the development of technology, information, and communication. Telecommunications operator companies are closely related to the cellular industry. In Indonesia, various companies are engaged in telecommunications, such as XL Axiata, Indosat Ooredoo (Indosat), Telkomsel, Telkom Indonesia (Flexi), Hutchison Tri Indonesia (3), Smart Telecom (Smart), Bakrie Telecom, Sampoerna Telekomunikasi Indonesia (Ceria), Mobile-8 Telecom (Fren), AXIS Telekom Indonesia (AXIS), and so on. The tight competition in this business leaves five big companies: Telkomsel, XL Axiata, Indosat Ooredoo, Smartfren, and Hutchison Tri (Octasylva & Rurianto, 2020). Competition in the cellular telecommunications industry in Indonesia occurs due to tariff wars and customer demands for the quality of services provided. Meanwhile, currently, the telecommunications service industry is aggrieved by the invasion of Over-the-Top (OTT) services on voice, messaging, multimedia, and cloud services. Of course, the invasion caused injustice for telecommunication operators due to a shift in people's consumption patterns towards OTT services.

The government, therefore, issued a policy that relies on collaboration between telecommunications operators and OTT service-provider companies through implementing regulations of the Job Creation Law, namely Government Regulation Number 46 of 2021 on Postal, Telecommunications and Broadcasting. This is precisely to follow up on Article 70, Article 72 and Article 185 letter b of the Job Creation Law. In the general explanation, it is stated that the Government Regulation on Postal, Telecommunications, and Broadcasting is to respond to digital transformation in Indonesia, with a focus on:

1) accelerating access expansion and improving digital infrastructure as well as Internet services provision;

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2) accelerating the expansion and improvement of postal and logistics services to support the digital economy and inclusive financial services; preparing a digital transformation roadmap in strategic sectors: in the government sector, public services, social assistance, education, health, trade, industry, and broadcasting;
3) accelerating the integration of national data centres;
4) preparing the need of digital-talent human resources; and
5) preparing the regulations related to funding and financing schemes for national digital transformation.

The regulations governing telecommunications service industries are designed to create healthy competition in the market. Similar to the regulation in the European Union, namely to bring consumer prices to create a competitive market, the policy also aims to ensure a level of competition, avoid market failures, protect consumers, and increase investment and welfare. Thus, the telecommunications service industry can charge high fees for using its network (Savin, 2018). Likewise, in the United States, the telecommunications-related policy is promising, given the legal framework directed by the government and Regulatory Commissions, particularly the Federal Communications Commission. Two important acts are in force today, the Communications Act of 1934 and the Telecommunications Act of 1996. These laws were intended to revise the first law and specifically encourage competition in the telecommunications industry.

Strategic matters on telecommunications regulated in the Job Creation Law include facilities provided by the central and regional government to facilitate telecommunication infrastructure development, cooperation for telecommunications providers, mutual collaboration with the broadcasting sector, as well as ease of business licensing that can provide quick services based on the-same-day-principle through online media. In addition, as an effort to support digital acceleration with the use of the Internet in all sectors of life, it is becoming easier for broadcasters to converge and benefit from the ICT sector for flexible and expanding business development. The Job Creation Law also accommodates quality Internet services by escalating the equal distribution of signals throughout Indonesia, then emphasizes reliable supervision of service and experience quality in telecommunications.

One of the goals of equal signal distribution is that it can support the quality of digital platform services that increasingly fill all aspects of human needs, such as the existence of the OTT platform that utilizes the telecommunications industry. According to Greene & Lancaster (2007), OTT service, as a service carried over a network, provides value to users without control of telecommunications networks in arranging, selling, providing and serving users and, of course, there is no official collaboration with telecommunications network operators.

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Nowadays, the digitalization era is accelerating amidst the COVID-19 pandemic, which has fostered the urgency of a reliable telecommunications infrastructure and a capable legal umbrella. This also encourages the primacy of Internet access and the telecommunications industry in stimulating social and economic cycles in Indonesia. The existence of the Job Creation Law that is integrated with the telecommunications sector and the ICT industry is confirmed by its derivative regulations.

OTT-related regulations are stated in Article 15 of the Government Regulation on Postal, Telecommunications and Broadcasting that regulates cooperation between OTT operators and telecommunications operators. Further, it is explained that OTT is included in the domain of Regulation on Postal, Telecommunications and Broadcasting because it is a business activity via the Internet, with the existence of a substituted form of telecommunications services, a content service platform in the form of audio and visual and other services stipulated by the Minister.

Therefore, in this study there are three issues raised as the research problems, namely:

a. How are the Principles of Telecommunications Cooperation on Job Creation Regulations applied?

b. What are the Principles of Telecommunication Cooperation with the OTT Platform in the Job Creation Regulation?

c. How should the cooperation principles be applied?

Based on these problems, this study can provide an understanding of how a law emerges as something that must be futuristic and relates to real entity theory. Gierke said it is not just artificial creations that come from the law but legitimate entities that exist apart from legal recognition. In other words, companies are as 'real' and 'natural' as anyone and exist independently of their shareholders and the country (Cásarez, 1991).

The application of this theory can be seen in Justice Marshall's statement at the Supreme Court in the case of Trustees of Dartmouth College v. Woodward, who states that a company or corporation is artificial (artificial being), invisible and intangible and its presence only exists in legal contemplation (Trustees of Dartmouth College, 1819). Meanwhile, this theory aims to strengthen the state power if so desired, and the company must comply with all legal provisions in a country in order to obtain this personality so that it has a legal position before the law. Thus, it can be understood that the presence of various digital innovations created by many companies has made it obligatory to remain compliant and not deviate from the various provisions and regulations that are the positive laws of a state.

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Telecommunication Cooperation Principles in the Job Creation Law

In the digital era, the emergence of telecommunications in social life will not be separated from the telecommunication operation. In Indonesia, the support by the state for the telecommunications climate is expressed through its regulation and laws, such as the Job Creation Law, particularly Article 70 to Article 72, and Article 185 letter (b). These articles, then, are regulated more specifically in the Government Regulation on Postal, Telecommunications and Broadcasting.

The emergence of this regulation is essentially in line with the accelerating number of Internet users in Indonesia. This continues to encourage the birth of various digital media and application innovations that require clear and definite legal rules in their implementation. Referring to Article 1, Number 7 of Government Regulation on Postal, Telecommunications and Broadcasting, telecommunication operation is basically an activity to provide telecommunication services in order to enable the operation of telecommunications. In telecommunications, the implementation is carried out through a telecommunications network that can be understood as a series of telecommunications equipment and accessories utilized in telecommunications.

The emergence of various digital-based services and applications through telecommunications networks, of course, needs to be based on telecommunications principles. Especially with the emergence of OTT services on telecommunications networks, its presence must comply with telecommunications principles. In Article 15, Paragraph (1) of the Government Regulation on Postal, Telecommunications and Broadcasting, it is stated that national and foreign business actors who carry out business activities via the Internet, should act with the principles of fairness, impartiality and non-discrimination, as well as maintain service quality as regulated by the provisions of laws and regulations. This OTT activity is reflected in the substitution of telecommunications services, audio, visual content service platforms or both, as well as other services as stipulated by the Minister.

In the attempt to provide checks and balance of the Government over OTT so as not to cause arbitrariness that is dictatorial and corrupt, many provisions have been made, for instance in Article 71 of the Job Creation Law that amends Article 28, Paragraph (2) of the Telecommunications Law that regulates the number of tariffs, operation of telecommunications networks and/or telecommunications services based on a formula determined by the Central Government by taking into account the interests of the public and fair business competition. The provisions regarding fair business competition and the public interest guarantee the OTT services protection from arbitrary acts coming from the network

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and/or telecommunications service providers or from the Government. Meanwhile, if compared with Article 28 of the Telecommunications Law prior to the amendment, the article only mentions that it was stipulated by the Government without any reference to the public interest or fair business competition. This is increasingly guaranteed in the implementing regulations of the Job Creation Law, namely Article 15, Paragraph (1) of the Bill of Government Regulation on Postal, Telecommunications, and Broadcasting that, for national and foreign OTT-business actors as well as for Telecommunication Network operators and/or Telecommunication service providers, operations shall be implemented with the principle of fair, reasonable, and non-discriminatory actions in accordance with the applicable laws and regulations. These three principles further strengthen the OTT service position to obtain definite protection in the Job Creation Law and avoid various threats of harm.

The aforementioned principles, if examined, are the principles for the creation of cooperation in telecommunications; more specifically, the three principles in Article 15, of the Government Regulation on Postal, Telecommunications and Broadcasting visualize that the implementation of OTT services must be carried out in cooperation that upholds fairness, impartiality and non-discrimination, as well as maintaining service quality. Telecommunication Cooperation Principles on OTT services include the following three principles.

Principle of Fairness

This principle seeks to provide fairness, or an appropriate portion thereof, for foreign OTT operators and services entering Indonesia in order to create an equal climate and fair business competition for all parties. In supporting cooperation between telecommunications providers and OTT services, it is critical to put it in written form: hence, the boundaries between the rights and obligations of each party are clear.

As a realization of cooperation between the government and OTT services establishment, the application of the fairness principle is seen as the government clearly divides various business activities as the scope of OTT services, namely: replacement of telecommunication services, audio and/or visual content service platforms; and/or other services stipulated by the Minister. Furthermore, the provision of a fair share between telecommunications and OTT services is stated in the significant presence provisions that are based on: (a) the percentage of traffic from the domestic tariff used; (b) daily active users in Indonesia for a certain period and number; and (c) other criteria determined by the Minister.

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Principle of Impartiality and Non-Discrimination

Basically, the principle of impartiality and non-discrimination seeks to prevent and avoid unfair business competition in the operation of telecommunications and OTT services in Indonesia. The existence of the impartiality and non-discriminatory principle is a form of building good cooperation between telecommunications and OTT services; thus, all parties can receive equal treatment according to a fair portion, as described in the fairness principle.

The application of the principle of impartiality and non-discrimination is critical in supporting the economic progress of a country. Especially with the presence of the Internet, business opportunities among countries are increasingly borderless; hence, the application of this principle is increasingly necessary so that the presence of OTT services in Indonesia can properly contribute to the economy. Referring to the European Union (EU) that has already been aware of the importance of the Internet, the EU strictly prohibits discriminatory attitudes for various reasons, such as to protect effective business competition and maximize consumer welfare and fair business practices (Krämer, Schnurr & de Streel, 2017).

Principle of Maintaining Service Quality

With regards to maintaining service quality, the distribution of negative content on OTT services must be filtered without contradicting Indonesian laws and regulations. Thus, the public can enjoy quality content that does not conflict with national interests. As mentioned in Article 15, Paragraph (6) of the Government Regulation on Postal, Telecommunications and Broadcasting on the fulfilment of service quality to users, traffic management can be carried out.

This principle is also expected to strengthen cooperation between telecommunications operators to regulate traffic on OTT services if they conflict or threaten national interests, where cooperation between telecommunication providers and OTT services is realized through their emphasis on illegal content in OTT so that the presence of OTT services can be in line with Indonesia's positive law.

Application of the Telecommunication Cooperation Principles with OTT Platforms in the Context of the Job Creation Law

Referring to the Job Creation Law, especially related to telecommunications, this regulation can show its impetus for telecommunications operators to increase their competitiveness globally. Similar to the OTT Platform, this service often has difficulty being accessed by the public if it is not connected to a telecommunications network (Muslim, 2021) Despite the stigma on OTT is that it is a "hitchhiking" service, there are many conveniences provided by

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OTT services in line with the needs and developments of the times. Thus, the government should utilize it through a pattern of cooperation based on the principles as regulated. In relation to the application of cooperation, this can refer to the Government Regulation on Postal, Telecommunications and Broadcasting that has been reflected in Article 15, where, at least in terms of the application of cooperation in carrying out business activities, this must be based on the principles of fairness, impartiality and non-discrimination, as well as maintaining service quality, as explained in the previous discussion.

Although the Job Creation Law does not explicitly utilize the term "OTT", it uses another term, namely "business activities via the internet". This can be traced to the explanation of Article 15, Paragraph (1) of the Government Regulation on Postal, Telecommunications, and Broadcasting as the implementing regulation of the Job Creation Law, which states that what is meant by business activities via the Internet is OTT. The specific form of OTT referred to in the Job Creation Law is OTT in the form of substitution of telecommunication services, audio and/or visual content service platforms, and/or other services determined by the Minister. Then, Article 15, Paragraph (2), letter a of the Government Regulation on Postal, Telecommunications, and Broadcasting states the forms of business activities via the Internet. Thus, it can be a limitation on the scope of OTT as referred to in the Job Creation Act as follows:

a. Telecommunication service substitution, in the explanation of Article 15, Paragraph (2) of the Government Regulation on Postal, Telecommunications, and Broadcasting. What is meant by telecommunication service substitution is a service that can replace services in the telecommunications sector, such as communication in the form of short messages, voice calls, video calls, conferences video, online conversations and/or sending and receiving of data.

b. Audio and/or visual content service platform, namely the provision of all forms of digital information consisting of writings, sound, images, animation, music, video, films, games, or as a combination of some and/or all of them including in streamed form or can be downloaded.

c. Other services as determined by the Minister.

The Job Creation Law, as re-specified in the Government Regulation on Postal, Telecommunications, and Broadcasting, has certain criteria for national or foreign OTT-business actors, referring to business actors who meet the provisions for significant attendance. This is based on Article 15, Paragraph (3) of the mentioned Government Regulation in terms of: a) the percentage of traffic on domestic traffic; b) daily active users in Indonesia within a certain period with a certain amount; c) and/or other criteria determined

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by the Minister. Meanwhile, the cooperation carried out by Telecommunication Network operators and/or Telecommunication service providers, based on Article 15, Paragraph (4) of the Government Regulation on Postal, Telecommunications, and Broadcasting obtains exceptions for business actors, namely account owners and/or users on social media channels, content platform channels, marketplace channels, and various other types of channels. Meanwhile, the form and material of cooperation are carried out according to the consensus of the parties. Then, regarding OTT implementation, in Article 15, Paragraph (7) of the said Government Regulation, the Minister in the field of communication and informatics is authorized to supervise and control the implementation of OTT as a business activity via the Internet.

Judging from the implementation of OTT in Indonesia, prior to accommodating regulations, OTT services relied on unwritten agreements with telecommunications operators, where, at the time a telecommunications operator opens access to its network, this reflects that the OTT and the telecommunications company already have unwritten cooperation. Hence, with regards to the existing regulations, in order to fulfil the principles of fairness, impartiality and non-discrimination, as well as maintaining service quality, the cooperation between OTT and telecommunication operators must be formalized in writing. A formal agreement is intended to provide clarity on the rights and obligations of the parties. As stated in Article 24 of the Government Regulation on Postal, Telecommunications and Broadcasting, it is provided that network leasing must be contained in a written agreement.

Basically, the application of cooperation by entering into a written agreement is usually a form of agreement carried out in business activities whose legal relations are much more complex, and usually include an authentic deed, a privately made deed and the title of the agreement. Thus, in a written agreement, it will be easier to prove if there is a default caused by the written agreement based on an authentic or underhanded deed (Artadi & Nyoman, 2010). Hence, in line with the presence of regulations related to the implementation of telecommunications cooperation with OTT services, it is expected that this service will become more controlled, reliable, and easier for the government to be able to choose OTT services to enter Indonesia.

Theoretically, as stated by R. Subekti, an agreement basically contains a promise to another person to carry out something that must be kept (Subekti & Tjitrosudibio, 1976). Thus, rights and obligations will arise and bind the parties, and the agreement must be carried out (Sinaga, 2018) In relation to the cooperation principles of telecommunications operators that include the principles of fairness, impartiality and non-discrimination, as well as maintaining service quality, fundamentally these principles must be contained in a written agreement to make it easier for the telecommunication operators and OTT service providers to fulfil their rights and obligations, as both are bound by an agreement.

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With the application of cooperation principles as currently regulated, it is expected that the regulatory arrangements between the government and OTT services providers can be accommodated in a comprehensive manner, at least, by observing the principles of fairness, impartiality and non-discrimination, as well as maintaining service quality. This is in an attempt to create healthy business competition and is well accommodated by the government under the applicable law, i.e., the Law on Job Creation and Government Regulation on Postal, Telecommunications and Broadcasting as the implementing regulations.

Feasible Concept of Cooperation Agreement between Telecommunication Operators and OTT Service Providers in Indonesia

The essence of the Job Creation Law fundamentally lies in investment priorities and the creation of new jobs, including in the telecommunications industry. Therefore, the cooperation between telecommunication operators and OTT service providers in Government Regulation on Postal, Telecommunications and Broadcasting is a projection of the essence of the Job Creation Law. The cooperation can be opened globally to respond to the increasing entry of foreign players into the domestic market, but protection of Indonesia's digital sovereignty shall prevail. The regulation of the Job Creation Law and the Government Regulation on Postal, Telecommunications, and Broadcasting related to the obligation of cooperation between OTT and telecommunications operators is actually an attempt to accommodate the controversy between the two, which was previously considered to be against the neutrality of the Internet. In fact, Indonesia does not recognize this principle in its laws and regulations and it is intended that the government has the authority to protect the public from illegal and negative content in OTT services. Then, previously, the main challenge was the issue of the incompatibility of regulations in the Central and Regional Government, so that it had an impact on the emergence of obstacles in the construction of Based Transceiver Stations (BTS), fiberization, and costs for telecommunication providers. These obstacles can have an effect on OTT in Indonesia; hence, synchronizing regulations as carried out in the Job Creation Law and the said Government Regulation is a way to overcome these legal challenges.

As discussion on cooperation between OTT service providers has been accommodated in the previous section on cooperation principles, the cooperation concept in this discussion will focus on state sovereignty related to the presence of global/foreign players in the Indonesian domestic market and then proceed to preventing the control of the lives of many people by global OTT platform giants, ensuring the stability of the country's foreign exchange, and improving service quality in a way that does not burden the OTT service provider, such as by not imposing larger bandwidth.

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In general, digital sovereignty is related to the existence of state rights and obligations that are recognized by international law. Identically, state sovereignty is related to the principle of territorial sovereignty (Cahyadi, 2016). This means that there is a consensus regarding the authorities of the state in exercising its exclusive rights over the territorial domain of each country. For this reason, there is a development of terminology from sovereignty to digital sovereignty to accommodate activities that utilize the Internet in the cyber community. The concept of digital sovereignty applies to cyberspace, where the sovereign state can exercise control and supervision of all cyber activities in its territory. Hence, this is in line with the concession theory that strengthens state power over all activities that occur in its sovereign territory, namely in the physical state's territorial realm and in the cyber domain.

A concrete example of the relationship between OTT and telecommunication services can refer to the cooperation model issued by the Telecommunication Standardization Sector (ITU-T) in 2018 at the plenipotentiary conference that presents a collaborative OTT framework, with the telecommunications services industry stating that the losses incurred by OTT services can be profited by both parties when cooperating. (ITU News, 2019) Behind the losses caused by OTT service business so far, there are still benefits that can be achieved by both sectors if collaborating or cooperating. Collaboration or cooperation can actually be done such as between the Telecommunication Services Industry in Indonesia with OTT services engaged in media and content (Netflix and YouTube), in the field of communication (Facebook, Whatsapp, Line), in the field of marketplace (Shopee, Amazon, Tokopedia) and so on by putting forward the principles of cooperation — a) The principle of fairness, b) Reasonableness principle; and c) Non-discriminatory principle — as it is regulated and accommodated in the Copyright Law. Thus, the relationship between telecommunication services and OTT services can be mutually beneficial to each other, primarily in maintaining and developing the quality of a service

As for this, it can be justified through a statement by Ahmad M. Ramli, who said that the cooperation relationship that needs to be done to OTT is mutual collaboration (Ramli, 2020), where the collaboration is mutually beneficial to minimize the disruption that has occurred today and anticipate wider disruption in the future. Given the high number of Internet users in Indonesia, which is even alleged to increase to 196 million people or 73.7% of the total population in 2021 ("Peluang Penetrasi Internet", 2021), this is one of the golden opportunities for OTT services to develop their services in Indonesia and is also an opportunity for the Indonesian telecommunication services industry to cooperate with OTT services to increase investment that can boost national economic numbers to help develop equitable telecommunications in Indonesia. Thus, it is a concrete picture of how the reciprocal

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relationship between OTT Services and the Telecommunications Service Industry in Indonesia can operate.

It can also be understood that, when a company controls the domestic market, the company must comply with all the positive legal provisions that apply in that country. Hence, the existence of companies engaged in OTT services can also be legally recognized and can operate side by side with other domestic companies to create an advanced and developed investment climate. With regards to digital sovereignty, there is a mechanism that requires licensing of global OTT platform providers so that their services can enter into the domestic market. This is to prevent OTT platform providers acting beyond the limits of their existence as foreign players, even further to anticipate potential threats to Indonesian digital sovereignty. Moreover, the ambition for global domination with the giant global OTT platform has become more apparent with the construction of the Submarine Cable Communication System by large companies such as Google, Facebook, or Amazon Web Services (AWS) (Jati, 2019). The Submarine Cable Communication development is aimed at the Indonesian sea for the need for OTT service connectivity with full control by service providers. However, if this is left unattended by the state, there will be indications of huge losses both in the security and economic sector that ultimately threaten Indonesian digital sovereignty. Therefore, to anticipate this, the aforementioned cooperation mechanism provided in the Government Regulation on Postal, Telecommunications, and Broadcasting is a reflection of citizen protection carried out by the government.

The cooperation carried out by the government can also prevent foreign control of the lives of many people in Indonesia, especially with regards to national information. The essence of digital sovereignty is focused on benefiting Indonesians in this digital era. The Indonesian government, in this case, has managed to accommodate the legal aspects in cooperating with OTT platform service providers. Thus, Indonesia benefits from the global OTT platform providers from taxation, such as online tax transactions regulated in Law Number 2/2020 on the Establishment of the Government Regulation in Lieu of Law Number 1/2020 on State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability into Law. Therefore, the synergy between the Ministry of Communication and Information as well as the Ministry of Finance is mandatory to carry out the direction of the Indonesian President by seeking to implement rules for cooperation between the global OTT platforms and national/domestic network organizers (in a position as a strategic partner of the government) in managing the business activities of global apps/OTT-platform providers in Indonesian territory.

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Furthermore, with regards to the service quality of the OTT platform, there is a constant increase in video quality that requires a larger channel. Moreover, the high rate of overall public visual consumption will certainly burden the operators of the cable network or cellular network. In this case, the network operators have to increase network capacity and have to add large investments. They also need to import costly technology products; this will cause deterioration in Indonesia's trade balance. On the contrary, OTT platforms are constantly benefiting from a high-quality service image with increasing revenue. On the other hand, if the public is dissatisfied with the content service, then a lawsuit will be submitted to the network operator. Therefore, cooperation between network operators and OTT platform providers needs to be encouraged so that mutual respect and mutual benefits occur based on a mutual symbiosis. The government can regulate (acting as a referee) the scope of cooperation that benefits the state and is fair to domestic operators.

Conclusions/Recommendations

The rapid development of Internet-based services in digital applications has become a new challenge that must be addressed by the Indonesian telecommunications sector. As widely known, the telecommunication sector now plays a critical role in life. In Indonesia, State support for the telecommunications climate is projected through the regulation in Law Number 11 of 2020 on Job Creation that is further elucidated and specified by Government Regulation Number 46 of 2021 on Postal, Telecommunications, and Broadcasting that contains the principle of cooperation between telecommunications operators and OTT platform service providers in the form of the principles of fairness, impartiality and non-discrimination, as well as maintaining the quality of the services offered. The Job Creation Law was implemented to support the acceleration of digital transformation and to make the technology, information and communication sector the drivers in the telecommunications sector. The fundamental change from the conventional to digital telecommunications industry is expected to encourage national economic recovery and bring Indonesia into a new era of the global economy. The Job Creation Law as a regulation that also changed the previous telecommunication regulations provides answers to the dead-ends of unfair competition between telecommunication operators and OTT service companies by encouraging collaboration in facing digital transformation.

Furthermore, the application of the telecommunications cooperation principle certainly requires concrete fulfilment. It starts from the provision of OTT services that only relied on unwritten agreements with telecommunications operators. Nowadays, collaborative cooperation must be carried out in written agreements. Through a formal agreement, it is expected the rights and obligations of the parties become clear and certain. Thus, in line with

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the emergence of regulations related to telecommunications cooperation implementation with OTT services, it is expected that this service will be easier to control and more reliable, so that it is easier for the government to choose OTT services that enter Indonesia.

In reality, the laws and regulations certainly cannot be separated from politics, because politics serves as a determinant of the direction of a country's legal policy. The legal politics of the Copyright Law begin from the presence of political will of the President to form the Copyright Law with omnibus law legal methods intended to simplify regulation and the deregulation of regulations that inhibit the creation of employment and business empowerment in Indonesia. Before the enactment of the Copyright Law, there were political challenges in Indonesia to harmonize central and regional policies and overcome overlapping regulations. Through the omnibus law system, Indonesia began to eliminate this with the issuance of the Copyright Law consisting of several sectors or clusters of laws and regulations to encourage investment, accelerate economic transformation and eliminate sectoral egos. However, political challenges arise in the Copyright Law, which still attracts controversy over the omnibus law system used, the alignment of central and regional policies, and the simplification of existing regulations. Therefore, the Copyright Law still requires procedural review and adjustment to be able to maintain its material content and present various other technical regulations, so that the political challenge can be resolved with the existence of adequate legal products.

Therefore, the Job Creation Law and the Government Regulation on Postal, Telecommunications, and Broadcasting are a reflection of the spirit of ease of investment. Potential job creation is also manifested in the telecommunications sector that is facing a new paradigm with the arrival of OTT services. Global collaborations are conducted to safeguard Indonesia's digital sovereignty with more comprehensive arrangements for global platforms that enter the domestic market. Thus, cooperation between network operators and OTT platform providers definitely requires encouragement to create mutual respect and mutual benefits based on mutual symbiosis by providing benefits for the country and providing justice for domestic operators.

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