

13 September 2020

Prof Ahmad M. Ramli

Directorate General of Postal and Informatics (“PPI”)

Ministry of Communications and Informatics (“KOMINFO”)

Subject: Industry letter regarding the ‘Petition for Judicial Review on Constitutional Court to expand the scope of Indonesia’s Broadcasting Law’

The Asia Internet Coalition (AIC) would like to take this opportunity to submit to the Ministry of Communications and Information Technology (“KOMINFO”), this industry letter regarding the Petition for Judicial Review asking the Constitutional Court to expand the scope of Indonesia’s Broadcasting Law to encompass internet-based platform services.

Granting the petition would likely make it impossible for many AIC members and several innovative internet companies to provide the services invaluable to Indonesians and the Indonesian economy. AIC members stand willing to work with the Ministry to ensure reasonable regulation that recognizes the global nature and tremendous contribution of Internet services, which are sometimes referred to as OTT services.

Background

Extending traditional broadcast regulation to online video services would unnecessarily deny the Indonesian people access to new and innovative content, information and services, and would harm the country’s creative industry, as well as the economy as a whole. Broadcast regulations are inappropriate for online services. Best practice regimes for online video services recognize that they are fundamentally different from traditional licensed services, and therefore tailor their approach accordingly. For example, on an online video service, the customer has greater choice and control over the content they choose to watch. Further, many online video services offer tools to parents (parental controls) that parents can use to set age ratings to protect their children from watching inappropriate content. In such an environment, where there is no linear feed of content which could surprise a viewer, there is less need and expectation by consumers of advanced protections, and thus less need for strict and overly broad regulation.

Broadcasting regulations were designed for traditional, linear services on which consumer choice in content is limited. For online video services, users are in control and can consume the content they want anytime, anywhere, and are able to set precise and appropriate protections themselves whenever needed. The ensuing consumer expectations and protections are thus vastly different compared to traditional broadcasting.

Legacy broadcasting and cable regulations should not be automatically extended to online video services because regulations applicable to broadcasting and cable service providers were designed with the specifics of those services in mind:

- Free-to-Air broadcasters have tremendous inherent advantages in that they use scarce public spectrum to reach anyone with a television; consumer choice is limited and consumption of their services is not subject to any data limitation.
- Similarly, cable service providers own and control the underlying network infrastructure and connection to the customer's premises, and consumers may have limited choices in their cable provider and may have costs associated with switching. Cable regulations have been structured with those considerations in mind.

By contrast, online video services typically do not control the access infrastructure and operate in a highly competitive market in which it is easy and often cost-free for consumers to switch between competing apps. Thus, the rationale underpinning legacy broadcast and cable regulations does not apply to online apps.

In particular, local ownership requirements are particularly unusual for companies operating on a global scale. It may prevent companies without a strong business justification from launching their businesses in Indonesia and leave existing providers with no choice but to exit the market. This would have seriously adverse effects on economic growth and foreign investment and may prevent Indonesians from accessing services they've come to know and love.

Online video services create the demand that spurs deployment of broadband service in Indonesia. Online services have also become increasingly symbiotic with traditional telecommunications providers as new online video services help to grow consumer and business demand for data communications, and as telecommunications providers invest in online video services themselves to bring innovation and further develop the Internet ecosystem. Furthermore, there could be an unintended negative impact on content creators from both an economic and a freedom of expression perspective: online video applications increase consumer choice, productivity, and innovation, and give local businesses and content creators access to a global customer base, and they provide individuals with platforms for free expression and freedom of speech. This ultimately expands Indonesia's creative industry and overall economy, as well as personal freedoms.

Global Regulation of online video services

As shown in the examples below, when regulators have crafted regulations for online video, they have repeatedly rejected the calls from traditional broadcasters to saddle a dynamic, wildly competitive, and hugely popular service with broadcast rules--rules that were designed for businesses with substantial barriers to entry and that use scarce public spectrum or rights of way.

Hong Kong: The Commerce and Economic Development Bureau (CEDB) has initiated a review of its broadcasting regulatory framework "with the aim of relaxing obsolete statutory requirements." The CEDB did not propose to extend existing obligations for traditional audiovisual services to online apps in part because "[t]hrough OTT and other Internet TV and radio programme services are gaining their prominence, traditional media ... are still highly pervasive and accessible to all in the family, young and old."¹

Singapore: Singapore's Infocomm Media Development Authority uses a "class license" scheme. Under the scheme, Video On-Demand services automatically receive permission to provide their

¹Hong Kong Commerce and Economic Development Bureau, Review of Television and Sound Broadcasting Regulatory Regimes, Consultation Paper, February 2018, available at https://www.cedb.gov.hk/ccib/eng/paper/pdf/BOTOREview_1%28eng%29.pdf.

services,² contingent upon their continued compliance with the "Code of Conduct for Over-the-Top, Video-on-Demand and Niche Services."³

Malaysia: Although the Malaysian Communications and Multimedia Commission (MCMC) regulates online video services, those services remain exempt from the licensing regime, rate regulation, local content quota and “made in Malaysia” requirements.⁴

European Union: The European Union’s Audio Visual Media Services Directive (AVMSD), signed at the end of 2018 and now being transposed into national law across Europe, recognizes traditional broadcasters as distinct from on-demand programming services like Netflix and video sharing platform services like YouTube. “Taking into account the degree of choice and user control over services, the AVMSD makes a distinction between linear (television broadcasts) and non-linear (on-demand) services.”⁵

Brazil: Brazil’s Law no. 9,472, of July 16, 1997 (General Telecommunications Law or “LGT”) expressly distinguishes between the activities that “add, to a telecommunications service that supports it, new features related to the access, storage, presentation, handling or recovery of information,” and the more heavily-regulated telecommunications services, which are “the transmission, emission or reception, by wire, radio, optical means or any other electromagnetic process, of symbols, characters, signals, writing, images, sounds or information of any nature”.

Commonwealth Telecommunications Organization: The Commonwealth Telecommunications Organisation (CTO), a non-profit international treaty organization and the oldest and largest Commonwealth intergovernmental organisation in the field of Information and Communication Technologies (ICT), has a diverse range of members spanning Asia, Africa, Europe, and the Caribbean, including developed countries, developing countries, Least Developed Countries, Small Island Developing States and Landlocked Developing Countries. In its 2020 report *Over The Top (OTT) Applications & the Internet Value Chain: Recommendations to Regulators, Policy Makers and Tax Authorities*, the CTO noted that “[r]ushing to regulate OTTs resulted in clear negative impacts on consumers, the ICT sector and economic growth in several countries.” It concluded that “if the calls from the many stakeholders to regulate OTTs do not point to any market failure nor to any evidence of unhappiness on the part of consumers and citizens in relation to their OTT services, they should be treated cautiously. Regulators must continue to follow best-practice regulatory theory and practice.”⁶

Mexico: In its September 2015 Resolution “Process to Determine Dominant carrier in the Pay-TV Market” Mexico’s Instituto Federal de Telecomunicaciones concluded: “Currently over the top (OTT) services are not substitutes for Pay TV service. OTT services, such as Netflix, are not substitutes for Pay TV, since: i) they mainly focus on offering a catalog of audiovisual content that has previously been provided on other platforms (cinema, movie rental, restricted television or broadcast television); ii) unlike those of Pay TV, they do not offer linear programming in

² See <https://www.imda.gov.sg/regulations-and-licensing/Licensing>.

³ Singapore INFOCOMM Media Development Authority, Content Code for Over-the-Top, Video-on-Demand and Niche Services, available at <https://www.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/OTT-VOD-Niche-Services-Content-Code-updated-29-April-2019.pdf>.

⁴ See <https://www.mcmc.gov.my/en/sectors/broadband/types-of-licenses-application-procedures>.

⁵ Shaping Europe’s Digital Future, Policy, General Principles, available at <https://ec.europa.eu/digital-single-market/en/general-principles>.

⁶ Commonwealth Telecommunications Organisation, *Over The Top (OTT) Applications & the Internet Value Chain Recommendations to Regulators, Policy Makers and Tax Authorities*, 2020, at p. 32, available at <https://cto.int/wp-content/uploads/2020/05/CTO-OTT-REPORT-2020.pdf>.

particular and do not offer the signal with the highest audience, and iii) they depend on the capacity of Internet connection, which in Mexico registers low speeds."⁷

ITU: The International Telecommunication Union in its report *Economic impact of OTTs on National Telecommunication/ICT Markets*,⁸ released earlier this year, concluded “[n]ew disruptive models of service delivery should not be regulated merely because they threaten an existing model, since such innovation and competition serve consumer interest. Regulators must also be cautious about the impact of their actions on innovation and competition. While important public policy considerations need to be addressed, regulation of OTTs driven solely by the motivation of “levelling the playing field” between traditional and digital modes of service delivery would be detrimental to consumer interests.”⁹ The report states that, “[t]here are several different facets and features of new regulatory frameworks. Many regulators believe that the best route forward is for a light-touch, flexible approach to regulation. Such an approach is based more on principles – including consumer protection, investment promotion, and competition – than on codified rules that require strict adherence. Interestingly, some have argued that if governments were to design new models of regulation that are light-touch, flexible, and recognize the scale and quantity of market impact of an OTT player, they may encourage more OTT players to conform to regulation.”¹⁰

United States: The Federal Communications Commission, which regulates broadcasters and telecommunications carriers in the United States, has never regulated online video providers like Netflix.¹¹

As responsible stakeholders, we appreciate the ability to participate in this discussion and the opportunity to provide inputs. We would like to respectfully request the Government of Indonesia and KOMINFO to consider our comments and recommendations in the policy making process. Importantly, we would also like to request for a virtual meeting with you and your team to further offer our inputs and go through the submission on industry best practices.

Our Secretariat, Mr. Sarthak Luthra, would be happy to answer any questions or concerns that your office may have. We can be reached at mobile +65 8739 1490 or via email at Secretariat@aicasia.org.

Sincerely,



Jeff Paine
Managing Director
Asia Internet Coalition (AIC)

⁷ http://www.ift.org.mx/sites/default/files/contenidogeneral/unidad-de-competencia-economica/versionpublicaresolucionai-dc-002-2015_0.pdf

⁸ Available at <https://www.itu.int/en/ITU-D/Study-Groups/2018-2021/Pages/OngoingWork.aspx>.

⁹ Id. at 19.

¹⁰ Id. at 20.

¹¹ See, e.g., <https://thehill.com/policy/technology/274847-fcc-in-agreement-agency-cant-regulate-netflix>.

BAHASA INDONESIA [TRANSLATED]

11 September 2020

Yth.

Prof Ahmad M. Ramli

Direktur Jenderal Penyelenggaraan Pos dan Informatika

Kementerian Komunikasi dan Informatika

Perihal: Surat Industri terkait Permohonan Uji Konstitusional di Mahkamah Konstitusi untuk memperluas cakupan UU Penyiaran Indonesia

Perkenalkan kami Asia Internet Coalition (AIC) menyampaikan kepada Kementerian Komunikasi dan Informatika (“**Kominfo**”) terkait surat industri ini tentang Uji Konstitusional di Mahkamah Konstitusi untuk memperluas cakupan UU Penyiaran Indonesia ke mencakup layanan platform berbasis internet.

Apabila Uji Konstitusional ini dikabulkan, banyak anggota AIC dan beberapa perusahaan internet inovatif lainnya yang terpaksa berhenti menyediakan layanan bagi masyarakat Indonesia dan sebetulnya bermanfaat bagi perekonomian Indonesia. Anggota AIC siap bekerja sama dengan Kominfo untuk memastikan regulasi wajar dan sesuai dengan karakteristik global serta mengakui kontribusi dari layanan Internet, yang terkadang disebut sebagai layanan OTT.

Latar Belakang

Perluasan definisi “penyiaran” sehingga mencakup juga layanan *video online* dapat menghalangi akses masyarakat Indonesia ke konten, informasi dan layanan yang baru dan inovatif, dan akan merugikan industri kreatif, serta ekonomi secara keseluruhan. UU Penyiaran tidak tepat untuk diterapkan untuk layanan *online*. Aturan praktik terbaik untuk layanan *video online* menyadari bahwa layanan tersebut pada dasarnya berbeda dari layanan berlisensi penyiaran konvensional, dan oleh karena itu pendekatannya perlu berbeda.

Misalnya, pada layanan *video online*, pelanggan memiliki pilihan dan kendali yang lebih besar atas konten yang mereka pilih untuk ditonton. Banyak layanan *video online* menawarkan alat kepada orang tua (kontrol orang tua) yang dapat digunakan orang tua untuk menyetel peringkat usia guna melindungi anak-anak mereka dari menonton konten yang tidak pantas. Dalam sistem itu, dimana konten ditentukan sendiri oleh pemirsanya, kebutuhan dan harapan konsumen akan perlindungan tingkat lanjut berkurang, dan dengan demikian kebutuhan akan peraturan yang terlalu ketat dan terlalu luas juga berkurang.

UU Penyiaran dan turunannya dirancang untuk layanan tradisional dan linier yang membatasi pilihan konsumen dalam konten. Untuk layanan *video online*, pengguna memegang kendali dan dapat menggunakan konten yang mereka inginkan kapan saja, di mana saja, dan dapat mengatur sendiri perlindungan yang tepat dan sesuai kapan pun diperlukan. Model perlindungan konsumennya pun sangat berbeda dibandingkan dengan penyiaran tradisional.

Peraturan penyiaran dan siaran berlangganan konvensional seyogyanya tidak diperluas ke layanan *video online* karena peraturan yang berlaku untuk penyedia layanan penyiaran dan siaran kabel berlangganan dirancang dengan mempertimbangkan spesifikasi khusus layanan tersebut:

- Lembaga penyiaran *Free-to-Air* memiliki keunggulan inheren karena mereka menggunakan frekuensi publik untuk menjangkau siapa pun yang memiliki televisi; pilihan konsumen terbatas dan konsumsi layanan mereka tidak tunduk pada batasan data apa pun.
- Demikian pula, penyedia layanan siaran kabel berlangganan memiliki dan mengontrol infrastruktur jaringan yang menjadi basis dan koneksi ke tempat pelanggan, dan konsumen mungkin memiliki pilihan terbatas dalam penyedia kabel mereka dan mungkin memiliki biaya yang terkait dengan pengalihan. Peraturan siaran kabel berlangganan telah disusun dengan pertimbangan ini.

Sebaliknya, layanan *video online* biasanya tidak mengontrol infrastruktur akses, dan beroperasi dalam pasar yang sangat kompetitif di mana konsumen dapat dengan mudah dan bebas biaya untuk beralih di antara aplikasi yang bersaing. Dengan demikian, alasan yang mendasari peraturan siaran dan kabel lama tidak dapat diberlakukan serta merta untuk aplikasi *online*.

Secara khusus, persyaratan kepemilikan lokal umumnya tidak lazim bagi perusahaan yang beroperasi dalam skala global. Hal ini dapat mencegah perusahaan yang tidak memiliki justifikasi bisnis yang kuat untuk meluncurkan bisnis mereka di Indonesia, dan membuat mereka memutuskan untuk tidak menggarap pasar Indonesia. Hal ini akan berdampak sangat buruk pada

pertumbuhan ekonomi dan investasi asing, dan dapat menghalangi orang Indonesia untuk mengakses layanan yang mereka kenal dan gemari.

Layanan *video online* menciptakan permintaan yang memacu penyebaran layanan *broadband* di Indonesia. Layanan online juga menjadi semakin saling mendukung dengan penyedia telekomunikasi tradisional karena layanan video online baru membantu menumbuhkan permintaan konsumen dan bisnis untuk komunikasi data, dan seiring penyedia telekomunikasi berinvestasi dalam layanan *video online* itu sendiri untuk membawa inovasi dan mengembangkan lebih lanjut ekosistem Internet.

Selain itu, terdapat dampak lainnya bagi pada pembuat konten dari perspektif ekonomi dan kebebasan berekspresi: aplikasi *video online* dapat meningkatkan pilihan konsumen, produktivitas, dan inovasi, dan memberikan akses untuk pebisnis lokal/pembuat konten lokal untuk melayani basis pelanggan global, dan memberikan orang perorangan akses ke platform yang mendukung kebebasan berekspresi dan kebebasan berbicara. Hal ini pada akhirnya memperluas industri kreatif dan perekonomian Indonesia secara keseluruhan, serta hak berekspresi.

Regulasi global layanan video online

Ketika menyusun peraturan untuk *video online*, pemerintah / regulator di berbagai negara di dunia telah berulang kali menolak usulan dari lembaga-lembaga penyiaran tradisional agar tetap memastikan layanan yang dinamis, kompetitif, dan disesuaikan dengan aturan siaran. Pengaturan penyiaran dirancang untuk bisnis dengan hambatan masuk yang tinggi (*barrier to entry*), yang menggunakan spektrum publik, atau hak akses yang terbatas.

Hong Kong: Biro Pengembangan Ekonomi dan Perdagangan (CEDB) telah memulai kajian kerangka peraturan penyiarannya "dengan tujuan untuk melonggarkan persyaratan undang-undang yang sudah usang." CEDB tidak mengusulkan untuk memperluas kewajiban yang ada untuk layanan audiovisual tradisional ke aplikasi online sebagian karena "[walaupun OTT dan layanan program TV dan radio Internet lainnya semakin menonjol, media tradisional... masih sangat menyebar dan dapat diakses oleh semua orang keluarga, tua dan muda. "[1]

Singapura: Otoritas Pengembangan Media Infocomm Singapura menggunakan skema "lisensi kelas". Di bawah skema tersebut, layanan *Video On-Demand* secara otomatis menerima izin untuk menyediakan layanan mereka,[2] bergantung pada kepatuhan mereka yang berkelanjutan dengan "*Code of Conduct for Over-the-Top, Video-on-Demand and Niche Services.*"[3]

Malaysia: Meskipun Komisi Komunikasi dan Multimedia Malaysia (MCMC) mengatur layanan video online, layanan tersebut tetap dikecualikan dari rezim perizinan, peraturan tarif, kuota konten lokal, dan persyaratan " *made in Malaysia*".^[4]

Uni Eropa: Petunjuk Layanan Media Audio Visual (AVMSD) Uni Eropa, ditandatangani pada akhir 2018 dan sekarang sedang diubah menjadi undang-undang nasional di seluruh Eropa, mengakui lembaga penyiaran tradisional berbeda dari layanan aplikasi *on-demand* seperti Netflix dan layanan platform berbagi video seperti Youtube. "Dengan mempertimbangkan tingkat pilihan dan kontrol pengguna atas layanan, AVMSD membuat perbedaan antara layanan linier (siaran televisi) dan non-linier (*on-demand*)."^[5]

Brasil: Undang-undang Brasil no. 9.472, tanggal 16 Juli 1997 (Undang-undang Telekomunikasi Umum atau "LGT") secara tegas membedakan antara aktivitas yang "menambah, ke layanan telekomunikasi yang mendukungnya, fitur-fitur baru yang terkait dengan akses, penyimpanan, presentasi, penanganan atau pemulihan informasi, "Dan layanan telekomunikasi yang lebih diatur secara ketat, yaitu" transmisi, emisi atau penerimaan, melalui kabel, radio, alat optik atau proses elektromagnetik lainnya, simbol, karakter, sinyal, tulisan, gambar, suara atau informasi dalam bentuk apapun ".

Commonwealth Telecommunications Organization (CTO): CTO merupakan organisasi perjanjian internasional nirlaba dan organisasi antar pemerintah Persemakmuran tertua dan terbesar di bidang Teknologi Informasi dan Komunikasi (TIK), memiliki beragam anggota yang tersebar di Asia, Afrika, Eropa, dan Karibia, termasuk negara maju, negara berkembang, negara kurang berkembang, negara berkembang pulau kecil dan negara berkembang terkurung daratan. Dalam laporan tahun 2020 Aplikasi *Over The Top (OTT) Applications & the Internet Value Chain: Recommendations to Regulators, Policy Makers and Tax Authorities*, CTO mencatat bahwa "terlalu terburu-buru mengatur OTT justru menghasilkan dampak negatif yang jelas pada konsumen, sektor TIK dan pertumbuhan ekonomi di beberapa negara. " Disimpulkan bahwa "Selama usulan dari pemangku kepentingan untuk mengatur OTT tidak berhasil membuktikan adanya kegagalan pasar atau bukti ketidakbahagiaan konsumen dan warga terkait dengan layanan OTT mereka, maka usulan aturan OTT harus diperlakukan dengan hati-hati. Regulator harus terus mengikuti teori dan praktik regulasi praktik terbaik. "^[6]

Meksiko: Dalam Resolusi September 2015, "*Process to Determine Dominant carrier in the Pay-TV Market* " Instituto Federal de Telecomunicaciones Meksiko menyimpulkan: "Saat ini layanan

over the top (OTT) bukan pengganti layanan TV berbayar. Layanan OTT, seperti Netflix, bukan pengganti Pay TV, karena: i) fokus utamanya adalah menawarkan katalog konten audiovisual yang sebelumnya telah disediakan di platform lain (bioskop, rental film, televisi terbatas, atau siaran televisi); ii) tidak seperti TV berbayar, mereka tidak menawarkan program linier secara khusus dan tidak menawarkan sinyal dengan pemirsa tertinggi, dan iii) mereka bergantung pada kapasitas koneksi internet, yang di Meksiko mencatat kecepatan rendah. "[7]

ITU (*International Telecommunication Union*): dalam laporannya *Economic impact of OTTs on National Telecommunication / ICT Markets*,^[8] yang dirilis awal tahun ini, menyimpulkan “[model penyampaian layanan baru yang disruptif tidak boleh serta merta diatur hanya karena mengancam model yang sudah ada, karena bagaimanapun juga inovasi dan persaingan justru mendukung kepentingan konsumen. Regulator juga harus berhati-hati tentang dampak tindakan mereka terhadap inovasi dan persaingan. Sementara pertimbangan kebijakan publik yang penting perlu ditangani, regulasi OTT yang hanya didorong oleh motivasi "meratakan lapangan bermain" antara mode penyampaian layanan tradisional dan digital akan merugikan kepentingan konsumen. ”^[9] Laporan tersebut menyatakan bahwa, “[berikut adalah beberapa aspek dan fitur yang berbeda dari kerangka peraturan baru. Banyak regulator percaya bahwa jalan terbaik ke depan adalah dengan pendekatan regulasi yang fleksibel dan ringan. Pendekatan semacam itu lebih didasarkan pada prinsip - termasuk perlindungan konsumen, promosi investasi, dan persaingan - ketimbang aturan terkodifikasi yang membutuhkan kepatuhan ketat. Menariknya, beberapa orang berpendapat bahwa jika pemerintah merancang model regulasi baru yang ringan, fleksibel, dan mengenali skala dan kuantitas dampak pasar dari pemain OTT, mereka dapat mendorong lebih banyak pemain OTT untuk menyesuaikan diri dengan regulasi. ”^[10]

Amerika Serikat: *Federal Communications Commission*, yang mengatur penyiar dan operator telekomunikasi di Amerika Serikat, tidak pernah mengatur penyedia video online seperti Netflix.^[11]

Sebagai pemangku kepentingan yang bertanggung jawab, kami menghargai kemampuan untuk berpartisipasi dalam diskusi ini dan kesempatan untuk memberikan masukan. Kami ingin dengan hormat meminta Pemerintah Indonesia dan Kominfo untuk mempertimbangkan masukan dan rekomendasi kami dalam proses pembuatan kebijakan. Yang terpenting, kami juga ingin meminta pertemuan virtual dengan Anda dan tim Anda untuk menawarkan masukan kami lebih lanjut dan membahas pengajuan tentang praktik terbaik industri.

Sekretariat kami, Bpk. Sarthak Luthra, akan dengan senang hati menjawab pertanyaan atau masalah apa pun yang mungkin dimiliki kantor Anda. Kami dapat dihubungi di ponsel +65 8739 1490 atau melalui email di Secretariat@aicasia.org.

Hormat kami,

Jeff Paine



Managing Director

Asia Internet Coalition (AIC)

[1] Hong Kong Commerce and Economic Development Bureau, *Review of Television and Sound Broadcasting Regulatory Regimes, Consultation Paper*, Februari 2018, Lihat di https://www.cedb.gov.hk/ccib/eng/paper/pdf/BOTOREview_1%28eng%29.pdf.

[2] Lihat <https://www.imda.gov.sg/regulations-and-licensing/Licensing>.

[3] Singapore INFOCOMM Media Development Authority, *Content Code for Over-the-Top, Video-on-Demand and Niche Services*, lihat <https://www.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/OTT-VOD-Niche-Services-Content-Code-updated-29-April-2019.pdf>.

[4] Lihat <https://www.mcmc.gov.my/en/sectors/broadband/types-of-licenses-application-procedures>.

[5] *Shaping Europe's Digital Future, Policy, General Principles*, lihat di <https://ec.europa.eu/digital-single-market/en/general-principles>.

[6] Commonwealth Telecommunications Organisation, *Over The Top (OTT) Applications & the Internet Value Chain Recommendations to Regulators, Policy Makers and Tax Authorities*, 2020, at hal. 32, lihat di <https://cto.int/wp-content/uploads/2020/05/CTO-OTT-REPORT-2020.pdf>.

[7] http://www.ift.org.mx/sites/default/files/contenidogeneral/unidad-de-competencia-economica/versionpublicaresolucionai-dc-002-2015_0.pdf

[8] Available at <https://www.itu.int/en/ITU-D/Study-Groups/2018-2021/Pages/OngoingWork.aspx>.

[9] *Id.* hal 19.

[10] *Id.* hal 20.

[11] Lihat, e.g., <https://thehill.com/policy/technology/274847-fcc-in-agreement-agency-cant-regulate-netflix>.