

Article history: Submitted 22 January 2025; Accepted 27 February 2025; Available online 28 February 2025.

How to cite: Fazal Akmal Musyarri, 'Comprehensive Normative Analysis Concerning Indonesia Domain Name Legal Policy' (2025) 8 Media Iuris.

Comprehensive Normative Analysis Concerning Indonesia Domain Name Legal Policy

Fazal Akmal Musyarri 

Faculty of Law, Universitas Brawijaya, Indonesia. E-mail: fazal.akmalmusyarri@ub.ac.id

Keywords:

Indonesia Domain Name Law; ICT Law; Industrial Revolution 4.0.

Abstract

The world is moving toward the digitalization period in the frame of the Industrial Revolution 4.0. Prof. Klaus Schwab stated that the Website was included in matters affecting the current direction of civilization in society. In the Website, the Domain Name is an important component that serves as an easy-to-remember referral address. Indonesia has its own Domain Name with the .id extension or often referred to as the Indonesia Domain Name. The regulation is scattered in several laws. By using Normative Juridical research methods and statutory and conceptual approaches, the author intends to map the Indonesia Domain Names laws. The results have not only mapped the concept map of the Indonesia Domain Name regulations, but also analyzed the legal issues surrounding it. This study is expected to be a representation for the government to create a more comprehensive Indonesia Domain Name law so that it can lead to legal certainty conditions for Indonesia Domain Name Registrants in the future as *ius constituendum* of Information and Communication Technology Law.

Copyright © 2025 Fazal Akmal Musyarri.

Published in Media Iuris. Published by Universitas Airlangga, Magister Ilmu Hukum.



Introduction

Cyberspace is an imaginary space in which everyone can do anything that humans can do in everyday social life in a new way that is artificial. Cyberspace has diverted human activities both in the political, social, economic, cultural and spiritual fields from the real world into the form of artificial substitution. The migration of humanity certainly causes major and essential changes in the way humans live and interpret their lives, which were previously based on natural relations, into artificial relationships. The virtual world creates life buildings that are fundamentally mediated by technology. There is a transformation of terminology, for example, the economic field has transformed into Cyber-Economy. Realities in the real world are matched by the advent of the virtual world which blurs the line between the two.¹

Cyberspace in its historiography began with the accidental discovery of the Internet in 1969 with the birth of ARPANET, an experimental project of the United States

¹ Yasraf Amir Piliang, 'Masyarakat Informasi Dan Digital: Teknologi Informasi Dan Perubahan Sosial' (2012) 27 Jurnal Sositoteknologi 145 <<https://media.neliti.com/media/publications/41503-none-dcf5b5fa.pdf>>.

called DARPA which initially had a simple mission to explore network technology that connected researchers at that time with various resources located far from the research location, such as computer systems and large databases.² The Internet was initially only used on a limited basis for military and defense purposes that connected humans through computers.³ Through this research, the development of the Internet as a network superstructure grew rapidly not only for military and defense purposes but also for commercial purposes. Some important discoveries were born from the forerunner of the Internet such as TCP / IP as a standard protocol for internet use, remote access, electronic mail, discussions via Newsgroups, WWW technology and the "Domain Name System" (DNS).⁴

Domain Name System (DNS) is a distributed database system used for computer names on networks that utilize TCP/IP. DNS maps a computer's name to an Internet Protocol (IP) address. DNS is used on websites and emails because it is easy to remember, consistent and simple.⁵ Websites are mapped in their respective IP addresses consisting of a collection of numbers and dots, which are then simplified by the domain name. Domain names have an important role. Domain names by analogy function like a phone number that needs to be called to connect with the owner.⁶

So definitively, a domain name is a collection of characters that describe the identity of a website on the internet.⁷ Domain names are used to display technical functions that make it easier for internet users to find a website. So that Internet users can take advantage of domain names such as addresses on the Internet without having to open the Internet Protocol (IP address) which is very difficult to remember because it consists of numbers and periods. In its development, domain names have become indispensable both for business purposes and just a representation of

² Tracy LaQuey, *Sahabat Internet* (Penerbit ITB 1997) 1-2.

³ Mariam Darus Badruzaman, *Kompilasi Hukum Perikatan* (PT Citra Aditya Bakti 2001) 267.

⁴ Siti Rohaya, *Internet : Pengertian, Sejarah, Fasilitas Dan Koneksinya* (Perpustakaan Digital UIN Sunan Kalijaga 2008) 2-4.

⁵ Diding Ardiantoro, *Pengantar DNS (Domain Name System)* (Universitas Hasanuddin 2003) 1-2.

⁶ Latifulhayat Atip, 'Hukum Siber, Urgensi Dan Permasalahannya' (2001) 1 Jurnal Keadilan.

⁷ Budi Rahardjo, 'Aspek Teknis Dari Nama Domain Di Indonesia' (2000) (Makalah disampaikan pada Seminar Nasional Masalah *Domain Name* dan Anti Persaingan Curang, Jakarta, 2 October 2000).

personal identity.⁸ Specifically, domain names are not only used as a representation of the company, but are used to represent a product owned by the company. Because the identity represented by the name does not only refer to one entity of a person or company, it is possible that the domain name is not only thought of as one person or one company. So that in the domain name registration or registration system, the person or company who first registered who has the rights to a domain name.⁹

Domain names often refer to domains with a high reputation or often referred to as Top Level Domains (TLDs). There are two major classifications of TLDs: generic Top Level Domains (gTLDs) and country code Top Level Domains (ccTLDs). gTLD is a domain name that is often used publicly by people and companies for personal, economic or other purposes, such as .com and .org, while ccTLD is a domain that reflects or represents a nationality or territorial interests of a country. for example .au (Australia) and .fr (France).¹⁰ The need for a domain name continues to grow every year. VeriSign noted in its year-end report, the number of domain names registered until 2023 reached 354 million spread across cyberspace globally (VeriSign, 2023). As for Indonesia's ccTLD, namely .id-based domains, there are 908,339 domain names registered.¹¹

Normatively, regulations regarding Domain Name Law in Indonesia are diaspora in several laws and regulations at various levels ranging from laws in Indonesia to regulate domain name management institutions. At the macro legal policy level, domain names are regulated in the Law on Information and Electronic Transactions both Number 11 of 2008 and later amended by Law Number 19 of 2016 which revised several legal policies related to the implementation of the cyber world in Indonesia. The Electronic Information and Transaction Law forms the basis for the derivation of

⁸ Cita Citrawinda Priapantja, 'Keberlakuan Hak Atas Kekayaan Intelektual (HaKI) Dalam Suatu Sistem Informasi Dan Jaringan Informasi' (2000) (Makalah disampaikan pada Pendidikan Lanjutan Ilmu Hukum Teknologi Informasi dan Telekomunikasi, Jakarta, 2000).

⁹ Yahya Kurniawan, *Punya Domain Sendiri Itu Gampang – Kiat Mudah Dan Praktis Memiliki Domain Sendiri* (PT Elex Media Komputindo 2009) 42.

¹⁰ Directorate for Science, Technology and Industry Committee for Information, Computer and Communications Policy, *Evolution in the Management of Country Code Top Level Domain Names (ccTLDs)* (Organization for Economic Cooperation and Development (OECD), 2006).

¹¹ 'Pengelola Nama Domain Internet Indonesia (PANDI)' (2024) <<https://pandi.id/>> accessed 15 April 2024.

regulations relating to domain name management in Indonesia.¹²

Regulations regarding domain names, especially Indonesia domain names, can also be found in Government Regulation Number 82 of 2012 concerning Electronic Systems and Transactions which regulates more technically the management of Indonesia domain names, including those responsible for domain name management in Indonesia. More specifically, the regulation regarding Indonesia domain names is contained in the Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management which delegates the authority of Indonesia domain name management to special institutions.¹³

The latest regulation related to the management of Indonesia domain names is the Regulation of the Minister of Communication and Information Number 5 of 2015 concerning Domain Name Registry of State Organizing Agencies. In addition to the laws and regulations mentioned above, the Domain Name Registry can also make policies related to domain name management in Indonesia. The public and non-profit institution that has the authority to manage domain names is “Pengelola Nama Domain Indonesia” (PANDI).

However, although the regulation regarding Indonesia Domain Name Law has been regulated in several laws and regulations at various levels, according to the author, the current norm construction has not led to the development of an ideal Information and Communication Technology law. Existing legal instruments are still unable to meet the needs of the community and have the potential to cause contextual problems in the future due to the inadequacy of legal facilities and infrastructure available now. Regulation regarding domain names is not even included in the government’s legal framework prepared to face the Industrial Revolution 4.0 as in Presidential Regulation Number 2 of 2018 concerning National Industrial Policy 2015-2019. Even though it

¹² Sukma Surya Sang Habibi, ‘Tinjauan Yuridis Status Hukum Kewenangan PANDI Sebagai Perwakilan ICANN Dalam Pengelolaan Nama Domain Di Indonesia Dihubungkan Dengan Kewenangan Pemerintah Dalam Pengawasan Domain Di Indonesia Berdasarkan Peraturan Perundang-Undangan Di Indonesia’ (Skripsi, Universitas Kristen Maranatha 2017) 5.

¹³ Helni Mutiarsih Jumhur, ‘Model Lembaga Pendaftaran Nama Domain Dikaitkan Dengan Undang-Undang Nomor 11 Tahun 2008 Menuju Kepastian Hukum’ (2014) 11 *Jurnal Konstitusi* 571 <<https://doi.org/10.31078/jk1138>>.

has been mentioned above that, sociologically, the need for Indonesia domain names continues to increase significantly (Rizal, 2020). With the improper legal construction, it shows that Indonesia law is less responsive in facing the Industrial Revolution 4.0.¹⁴

In fact, according to Prof. Klaus Schwab as the originator of the term Industrial Revolution 4.0, the website is part of supporting the Industrial Revolution along with several other things such as mobile phone ownership and electronic mail.¹⁵ Domain name is one component that also builds the existence of the website.¹⁶ Therefore, there is an urgency to study the problem of Indonesia domain names comprehensively. Based on the background exposure, the formulation of the problem raised in this scientific paper is as follows:

1. What is the current map of Indonesia domain name legal policy?
2. What is the juridical analysis of legal issues in the regulation of Indonesia domain name legal policy?

There have been several previous studies that discussed domain name law. Himam Miladi analysed Views on Legal Provisions in International Use of .id Domain Names. Mohan Rifqo Virhani in his paper discusses the Analysis of Legal Protection of Domain Names on the Internet. Wisnu Pramudya discussed the Analysis of Bad Faith in the Registration and Use of Internet Domain Names, which is one of the important principles in domain name law. On the other hand, Jordan Sebastian Meliala discussed the Protection of Domain Names from the Act of Registration of Domain Names in Bad Faith Based on Indonesia's Positive Law and the Uniform Domain Name Dispute Resolution Policy. Sukma Surya Sang Habibi discussed the Juridical Review of the Legal Status of PANDI's Authority as ICANN's Representative in Domain Name Management in Indonesia Linked to the Government's Authority in Domain Supervision in Indonesia Based on Laws and Regulations in Indonesia. Helni Mutiarsih Jumbuh also discussed

¹⁴ Fens Alwino, 'Kecerdasan Hukum Respons Revolusi Industri 4.0' (*Staging Point*, 2018) <<http://www.staging-point.com/read/2018/11/14/151205/Kecerdasan.Hukum.Respons.Revolusi.Industri.4.0>> accessed 15 April 2024.

¹⁵ Klaus Schwab, *The Fourth Industrial Revolution* (World Economic Forum 2016) 112.

¹⁶ Rudika Harminingtyas, 'Analisis Layanan Website Sebagai Media Promosi, Media Transaksi Dan Media Informasi Dan Pengaruhnya Terhadap Brand Image Perusahaan Pada Hotel Ciputra Di Kota Semarang' (2014) 6 *Jurnal STIE Semarang* 42.

the Comparison of the Institutional Form of Domain Name Managers in Indonesia with Domain Name Management Institutions in Several Countries and the Model of Domain Name Registration Institutions Associated with Law Number 11 of 2008 Towards Legal Certainty. Budi Rahardjo, as an important person in domain name management in Indonesia, presented at a national seminar a paper discussing the Technical Aspects of Domain Names in Indonesia.

Dheka Ermelia Putri discussed the Application of Online Dispute Resolution (ODR) in International Domain Name Dispute Resolution, in which the researcher emphasized the urgency of implementing ODR in resolving domain name disputes. Saghara Luthfillah Fazari examined the Protection of Famous Domain Names against Cybersquatting on the Internet Through Indonesia's Positive Law. Hetty Hasanah also discussed the Criminal Legal Aspects of Cybersquatting that Cause Losses to Original Domain Name Owners in E-Commerce. Luthfan Ibnu Ashari, Budi Santoso and Paramita Prananingtyas researched the Legal Protection for Trademark Rights Holders for the Same Domain Name According to Indonesia's Positive Law, which in this study describes the relationship between a trademark and a domain name. This is supported by Pintaulim Davina W.'s research which discusses Legal Analysis of the Management Mechanism of Domain Names Used as Trademarks. Likewise, Gunawan Bagaskoro delivered his scientific article entitled Trademarks and Domains at a workshop to review the relationship between trademark and domain names. Asawati Nugrahani also discussed the relationship between trademarks and domain names in a thesis entitled Synchronization of Trademark Rights Regulation and Domain Names Based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications and Law Number 11 of 2008 Juncto Law Number 19 of 2016 concerning Information and Electronic Transactions. Citra Chandrika Gita Putri specifically discussed the Legal Protection of Ebay's Famous Trademark Used as a Domain Name According to Indonesian Law.

Although there have been many studies on domain name law before, these still dwell on several aspects that have often been discussed, such as the relationship between domain names and trademarks, the principle of good faith, dispute resolution with ODR, and seen from a criminal aspect. In this scientific article, the author wants to elaborate

comprehensively from various laws and regulations spread across Indonesia to see with a helicopter view related to the regulation of legal norms of Indonesian domain names.

Research Method

This type of research is normative juridical or also called doctrinal legal research, where researchers examine secondary legal materials¹⁷ then continued with research on primary data in the field to answer problems that are the focus of research that conceptualizes law as a rule that acts as a benchmark for human behavior that is considered appropriate and inappropriate. The approach methods used in this study are legislation (Statute-Approach)¹⁸ and Conceptual (Conceptual-Approach).¹⁹ The type of legal material used in this study is secondary data as the main data in the form of laws and regulations.

Indonesia Domain Name Legal Policy Concept Map

Indonesia Domain Name Regulation is diaspora in several normative rules, especially those related to Technology Law in Indonesia. Article 28C of the Indonesia Constitution 1945 is a legal rule that indirectly acts as a philosophical basis for regulating technology in Indonesia, including in this case the legal development of Indonesia domain names with the extension .id. Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia states: "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education and benefit from science and technology, art and culture, in order to improve their quality of life and for the welfare of mankind". The formulation of the article is the philosophical basis for the development of science and technology that supports the lives of the Indonesian people. The development of technology affects aspects of human life, for example, in the field of business, where the market demands inventions that facilitate increasingly competitive and complex business activities.

¹⁷ Roni Hanitijo Soemitro, *Metodologi Penelitian Hukum Dan Jurimetri* (Penerbit Ghalia 1988) 10.

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum* (Kencana 2007) 96.

¹⁹ Johnny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif* (Bayumedia 2007) 391.

At the lower level of the hierarchy of laws and regulations, there is Law Number 11 of 2008 concerning Electronic Information and Transactions which was later amended through Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.

The regulation on Domain Name Law was then derived from the technical regulations under it, namely Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions which revoked the validity of the previous government regulation governing the Implementation of Electronic Systems and Transactions, namely Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions. Outside the normative hierarchy based on Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Laws and Regulations. There are also arrangements issued by related institutions, including the Ministry of Communication and Information of the Republic of Indonesia as stated in the Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management and Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 5 of 2015 about Domain Name Registry of State Administration Agencies. Another institution that also has the authority to regulate Indonesia domain names in accordance with the mandate of laws and regulations is PANDI or Indonesia Domain Name Manager which is regulated through the PANDI Policy. PANDI is appointed as the Indonesia Domain Name registry and is authorized based on special and individual decisions (*Beschikking*).

This paper will try to make a concept map of Indonesia Domain Name Law. To facilitate the mapping of Indonesia Domain Name Legal Policy, the author will categorize the discussion into two parts, namely Material Legal Sources and Formal Legal Sources. Material Law is the source of law that determines the content of the law itself while Formal Law is a legal source regarding procedures or procedures for enforcement of Material Law.²⁰ The following presents a brief table of the Indonesia Domain Name Law regulatory map.

²⁰ Muhammad Bakri, *Pengantar Hukum Indonesia Jilid 2 : Pembidangan Dan Asas-Asas Hukum* (UB Press 2013) 8.

Table 1. Indonesia Domain Name Legal Policy Concept Map

Legal Type	Aspect	Legal Policy
Materially	Civil Aspect	Indonesia Civil Code
	Principles	PANDI Policy Law Number 11 of 2008 concerning Electronic Information and Transactions Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions
	Management	Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia Number 5 of 2015 concerning Domain Name Registry of State Administration Agencies
Formal	Registration	PANDI Policy Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia Number 5 of 2015 concerning Domain Name Registry of State Administration Agencies
	Dispute Resolution	PANDI Policy Uniform Domain Name Dispute Resolution Policy (UDRP)

Source: Primary Data

1. Juridical Analysis of Material Law of Indonesia Domain Names

1.1 Civil aspects of Indonesia Domain Names

The laws and regulations governing Indonesia domain names have not specifically and comprehensively given a conception of regulating civil aspects both to domain names in general and specifically to Indonesia domain names. The Law on Information and Electronic Transactions does not directly provide a legal conception of Indonesia domain names because it generally contains general provisions and basic principles in the management of Indonesia domain names. So, to find the civil aspect of Indonesia domain names, the author tries to associate references to the civil aspects of

Indonesia domain names in the Indonesia Civil Code which until now is the “parent” of Indonesia civil law.²¹

The normative basis that strengthens the analysis that the Civil Code can still be considered relevant and applies as a civil basis in Indonesia even though procedurally it is not a law formally established by Indonesia government institutions is the Transitional Provisions of the Indonesia Constitution 1945 which states that all existing laws and regulations still remain valid as long as no new norm has been held.²² In addition to normative basis, there is also a scientific argument stated by Mathilde Sumampouw who argues that as long as there is no legislation that officially revokes the enforceability of the Civil Code, it will remain in force and cannot simply be revoked without official or formal revocation or downgrading from the legislation. It is feared that this will cause legal uncertainty.²³ Aspects that can be taken include the form of agreements and property rights that can be applied from the Civil Code to the Indonesia Domain Name Law.

1.2 Principles of Indonesia Domain Name Management

In previous research, there has been a study on the legal principles of domain names where the principle of good faith is the most often analyzed principle. This has an important impact because often domain name registration is based on bad faith, resulting in cybersquatting crimes that are rampant. Indonesia’s positive law, precisely in Article 23 of Law Number 11 of 2008 concerning Electronic Information and Transactions, contains the principles of Indonesia domain name registration as follows:

a. The Principle of the First Registrant (Article 23 paragraph (1))

The Electronic Information and Transaction Law applies the principle of First-Come First-Served to the Indonesia domain name registration procedure as applied to the constitutive system (First to File) in the trademark registration process.²⁴ That is, the first party to register a domain name is the party who is considered entitled to the

²¹ Darda Syahrizal, *Kasus-Kasus Hukum Perdata Di Indonesia* (Pustaka Grhatama 2011) 21.

²² Rahman Amin, *Pengantar Hukum Indonesia* (Penerbit Deepublish Publisher 2019).

²³ Kelik Wardiono and others, *Hukum Perdata* (Muhammadiyah University Press 2018) 15.

²⁴ Fazal Akmal Musyarri, ‘Analisis Yuridis Pengaturan Passing Off Terhadap Merek Terkenal Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis’ (Skripsi, Universitas Brawijaya 2018) 55.

domain name, especially the Indonesia domain name.²⁵

b. The Principle of Good Faith (Article 23 paragraph (2))

The Electronic Information and Transaction Law also emphasizes and affirms that the Indonesia domain name registration process is accompanied by good faith. This principle of good faith is commonly used as a basic principle in conducting civil agreements.²⁶ Indonesia Domain Name Registration is prohibited from registering a domain name in bad faith in the sense of hindering or galvanizing other parties who have rights to the Indonesia domain name. If an Indonesia domain name is registered in bad faith, then, based on Article 23 paragraph (3) of the Electronic Information and Transaction Law, parties who feel more entitled can file a lawsuit for cancellation of the Indonesia domain name that is the object of dispute.²⁷

1.3 Aspects of Indonesia Domain Name Management

The next material legal aspect is related to the implementation of the management of Indonesia domain names. This aspect emphasizes more on the role of the government and collaboration with the community in terms of policy determination and structuring the implementation of Indonesia domain name management. This provision is a follow-up to the mandate of Article 24 of Law Number 11 of 2008 concerning Electronic Information and Transactions, which was later derived from Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. As a technical reference, an organic regulation was also formed in the form of Regulation of the Minister of Communication and Information of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management.

This aspect is important to be the foundation for setting the Indonesia domain name management structure for now and in the future considering the historical factors that dominate the background of the establishment of Indonesia domain name

²⁵ Arrindika Pradana Ramadhansyah and others, 'Etika IT Dan Hukum Terhadap Tindakan Kejahatan Cybersquatting Pada Domain Merek Terkenal' (2018) 1 Jurnal SITECH : Sistem Informasi dan Teknologi 139, 142.

²⁶ Hetty Hasanah, 'Aspek Hukum Pidana Cybersquatting Yang Menimbulkan Kerugian Terhadap Pemilik Nama Domain Asli Dalam E-Commerce' (2014) 12 Majalah Ilmiah UNIKOM 235 <<https://ojs.uni-kom.ac.id/index.php/jurnal-unikom/article/view/24>>.

²⁷ Muhammad Nizar, 'Kejahatan Nama Domain Berkaitan Dengan Merek' (2018) 33 Yuridika 118, 130 <10.20473/ydk.v33i1.5686>.

management. Starting from the conflict between Budi Rahardjo as the first admin who holds the management mandate from IANA based on informal emails. The trustee was then questioned by APJII who felt he had the authority to manage the Indonesia domain name. Because the dispute never ended, the government facilitated mediation of the authority to manage .id domain names between APJII and Budi Rahardjo. But the mediation was deadlocked.²⁸ The agreement initially appointed the government as the manager of domain named in Indonesia. Because many parties criticized and questioned this, the government finally returned the authority to manage .id domain names to the community represented by PANDI.²⁹ In addition to PANDI as a Registry, there is also a Registrar as an extension of the management of .id domain named. This structural can be found in the Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management.

2. Juridical Analysis of Indonesia Domain Name Formal Law

2.1 Aspects of domain name registration

Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia Number 23 of 2013 concerning Domain Name Management has outlined technical provisions relating to aspects of Indonesia domain name registration including matters that must be included by the Registrar in the Indonesia domain name registration agreement. The substance of Indonesia domain name registration contained in the Ministerial Regulation *a quo* is regulated in more detail in PANDI Policy Number 002 of 2019 concerning Domain Name Registration Policy. The content of the PANDI Policy includes guarantees of the authenticity of data requested by Registrant before registering an Indonesia domain name, as evidenced by supporting legality documents such as personal identity and business legality followed by data such as business address, place of business, and other data related to business needs. Registration guarantees that

²⁸ Zae, 'Ricuh Pengelolaan Nama Domain, APJII Minta Pemerintah Jadi Mediator' (*Hukum Online*, 2005) <<https://www.hukumonline.com/berita/baca/hol13177/ricuh-pengelolaan-nama-domain-ap-jii-minta-pemerintah-jadi-mediator>> accessed 16 April 2024.

²⁹ Lingga Sukatama Wiangga, 'Nasib Domain .Id: Pandi Ternyata Bukan Bawahan ICANN' (*Bisnis.com*, 2012) <<https://ekonomi.bisnis.com/read/20120215/84/64134/nasib-domain-id-pandi-ternyata-bukan-bawahan-icann>> accessed 16 April 2024.

the data submitted online through the Registrar is true and original data so that it can represent the Registrant to fulfill the rights and obligations for the use of Indonesia domain names.

It should be noted that in the domain naming system there is a WHOIS feature that contains data that must also be fulfilled by Registrants such as administrative contacts, correspondence contacts, Registrant representative data, and other information with the aim of not violating the rights of others or contrary to applicable law. The Registrant or their representative will be the party who submits, extends, transfers, cancellations, and other administrative matters related to Indonesia domain names such as billing notices, active period notifications, and other technical notifications that will be notified by the Registrar to the Registrant. So that in the process of registering an Indonesia domain name, the Registrar becomes the key party that ensures and verifies the data received from the Registrant. All registration procedures shall be subject to the PANDI Policy. The Registrar guarantees that the entire formal process has been fulfilled such as forms, applications and registration files.

In the process of registering an Indonesia domain name, the Registry is the estuary of the process where administrative follow-up in the form of approval or rejection will be determined by the Registry, which in this case is PANDI. There are several factors that make an application for registration of an Indonesia domain name rejected by the Registry, such as insufficient or unlawful administrative requirements, not uploading the required documents and answering questions submitted to the Registry, the information or documents are incorrect or false, and if in the judgment of the Registry the application for an Indonesia domain name cannot be granted. With regard to the management of Registrant data, the Registry may delete or update data only if requested by the Registrant, there are technical errors or misinformation in the registration process, and other causes that do not conflict with laws and regulations. The Registry may also cancel the registration of an Indonesia domain name if there is a rejection of the registration application, registration made in bad faith, and a litigation or non-litigation decision. In the implementation of Indonesia domain names, it is also possible to transfer Indonesia domain names either between Registrants or between Registrars whose terms

and conditions have been determined in the PANDI Policy. In this case, the Registry has a role to intervene if there is a problem so that it needs to be resolved and can stop if it is not in accordance with the PANDI Policy.

This PANDI policy also contains administrative requirements that must be met according to the type of Indonesia domain name requested, including .co.id, .net.id, .ac.id, sch.id, .or.id, .go.id, .mil.id, .biz.id, .web.id, .my.id, .desa.id, .ponpes.id, and .id. Administrative requirements are divided into identity requirements and legality requirements. This PANDI policy also regulates the validity period of Indonesia domain name with a period of one to ten years which can be arranged according to the needs of the Registrant. The period is also given cycle stages if the period ends including Auto Renewal Period, Domain Redemption Period, Domain Pending Delete and Available.

2.2 Aspects of Indonesia Domain Name Dispute Resolution

Indonesia Domain Name Dispute Resolution is the fulcrum of the need for special arrangements relating to Indonesia Domain Name Law. Based on the follow-up of one of PANDI's authorities mandated by laws and regulations, especially Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions to resolve disputes over Indonesia domain names, PANDI as a Registry has its own mechanism and structure in ensuring the running of the authority. Within PANDI, there is a body called Domain Name Dispute Resolution (PPND). As the legal basis for the technical regulation of this authority, it is stated in PANDI Policy Number 005 concerning Domain Name Dispute Resolution Policy.

In this PANDI Policy, it is stated that Domain Name Dispute is a condition where there are parties who feel their rights are violated by other parties over a registered domain name. It is emphasized that the scope that can be resolved is limited to the corridor of domain names only, especially Indonesia domain names, not other aspects contained in a website such as disputes over the content contained therein. Based on the considerations of this PANDI Policy, it is stated that the source used by PPND PANDI in preparing the Indonesia Domain Name Dispute Resolution Policy is the guidelines prepared by the WIPO. The reference mechanism according to the WIPO guidelines is the Uniform Domain Name Dispute Resolution Policy (UDRP). The Domain Name dispute

resolution mechanism in UDRP used by PPND PANDI is a form of Online Dispute Resolution implementation.³⁰ Another argument argues that UDRP is the embodiment of cyber court.³¹ In the procedural law of resolving domain name disputes, a Panelist is a designation for a person appointed based on his expertise and professionalism by Domain Name Dispute Resolution (PPND) policy PANDI to examine, consider and decide a domain name dispute case both in legal and technical terms. The Forum is called the Panel, which consists of at least one Panelist or several Panelists to decide or advise on a case of domain name dispute.

The principle in resolving Indonesia domain name disputes is to prioritize peace based on the agreement of the disputing parties with the means of mediation forum until the parties maintain their respective arguments. If mediation fails, the case will be submitted to the PPND PANDI Panel which has full authority to resolve Indonesia domain name disputes. There are several cases that are the authority of PPND PANDI, namely Indonesia domain name disputes related to trademarks and other domain name disputes (concerning names and domain name management). The stages in the dispute resolution process include the Pre-Objection stage, the Objection stage, the Applicant Response stage, the Panel appointment or formation stage, the Mediation stage, the Dispute Material Examination and Discussion stage, the Decision-Making process, and the Submission of Panel Decision Results. The PANDI PPND Panel may dismiss the domain name dispute case if both parties agree to reconcile before the examination or before the Panel issues a decision and if one party forwards the Objection to court while the Panel has conducted the process of examining the dispute material. In essence, the Panel process which was held online was bridged by PPND PANDI so that the parties did not meet face-to-face. The parties are also unaware of Panelists involved in the domain name dispute resolution process and Panelists are prohibited from contacting the parties to the dispute. Communication between parties is carried out online through PPND PANDI to minimize conflicts of interest and maintain the objectivity of the Panel.

³⁰ Dheka Ermelia Putri, 'Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Nama Domain Internasional' (Skripsi, Universitas Lampung 2018) 68.

³¹ Wisnu Pramudya, 'Analisis Itikad Tidak Baik (Bad Faith) Dalam Pendaftaran Dan Penggunaan Nama Domain Internet' (Skripsi, Universitas Islam Indonesia 2016) 87.

Juridical Issues of Indonesia Domain Name Legal Policy

Although there have been many studies on domain name law before, these studies still dwell on several aspects that have often been discussed, such as the relationship between domain names and trademarks, the principle of good faith, dispute resolution with ODR, and seen from a criminal aspect. In this scientific article, the author wants to elaborate comprehensively from various laws and regulations spread across Indonesia to see with a helicopter view related to the regulation of legal norms of Indonesian domain names.

1. Problems in Material Law

Based on the explanation of the mapping of material legal policy for Indonesia domain name above, it has actually been seen that, as regarding the general framework of the current Indonesia domain name legal policy in Indonesia, positive law has been seen. However, there are still many legal loopholes that have not been closed to lead to conditions of legal certainty, especially for Indonesia domain name registration. It can be seen from the first description that examines the civil aspects of Indonesia domain name where the state has not been able to determine the right direction of civil law policy for Indonesia domain names. The author tries to inventory some possible agreement models that can be used in Indonesia domain name registration because until now there has been no concrete and firm agreement construction agreed to be implemented in the Indonesia domain name registration agreement. Some possible forms of agreements that can be used are Sale and Purchase Agreement, Lease Agreement, Custody Agreement, Loan Agreement, License Agreement and Trust Agreement. The choice of the form of agreement also correlates with the property rights attached to the Indonesia domain name to the Registrant who controls, manages or owns. The legal loophole, if not immediately covered, is feared to have the potential to trigger problems that can occur in the future because it fails to achieve legal certainty.

While other material legal aspects besides civil aspects, namely general provisions, applicable principles and management of Indonesia domain names have been quite comprehensively regulated. This is also justified from the historical track in the drafting of the Electronic Information and Transaction Law recorded in the Academic Paper of

the Law *a quo*. The technical aspects of the implementation of Indonesia domain name management have been thought out and formed in such a way as to systematize the implementation of Indonesia domain name management that has high capabilities.

Likewise, when applied in the implementation of Indonesia domain names, the existence of inadequate legal construction makes the practice more elusive, including in technical terms of implementing Indonesia domain names. When registering a domain name, the Registrant does not actually purchase the domain name. The Registrant needs to make payment or what is referred to as renewal of the domain name within a certain period of time so that the domain name is not deleted from the Registry.³² If you do not pay and then the domain name has reached the deadline chosen by the Registration during the registration period, then the domain name will go through the next cycle before being finally deleted from the Registry. The stages include Auto Renewal Period, Redemption Period & Pending Delete stages.³³ After going through this stage and the Registrant does not immediately carry out the renewal process, the domain name will be deleted from the Registry and its status becomes available, with reactivation fees that are not cheap.³⁴ With such technicalities, it becomes difficult to determine the agreement used in registering an Indonesia domain name when viewed from the civil construction as explained in the previous paragraph.

In addition, the thing that must be considered is that ownership of domain names is difficult to equate with goods in general. A domain name can be said to be a virtual item that is actually in the form of a number code (IP Address) parked in the Domain Name Server database. So in other words domain names, including Indonesia domain names, cannot stand independently without being in the database.³⁵ It is a confusion as to whether the property rights are attached to Indonesia domain names. Looking

³² Computer Service Langenbach (CSL) GmbH, 'What Is a Domain Name's Life Cycle', (Computer Service Langenbach (CSL) GmbH, n.d.) (*Computer Service Langenbach (CSL) GmbH*) <https://joker.com/faq//content/52/462/en/what-is-a-domain-name_s-life-cycle.html> accessed 17 April 2024.

³³ PANDI, 'Siklus Domain' (*PANDI*) <<https://pandi.id/mengelola-domain/siklus-domain>> accessed 17 April 2024.

³⁴ BEON Intermedia Group, 'Memahami Siklus Daur Ulang Domain .COM' (BEON Intermedia Group, 2016) <<https://beon.co.id/news/memahami-siklus-daur-ulang-domain-com>> accessed 17 April 2024.

³⁵ indoworx.com, 'Apa itu DNS Cache dan Bagaimana Cara Kerjanya?' (*Indoworx*, 9 October 2016) <<https://www.indoworx.com/apa-itu-dns-cache-dan-bagaimana-cara-kerjanya/>> accessed 17 April 2024.

at the explanation related to the mapping of Indonesia domain name settings that the author has described above, it can be seen that the conception of Indonesia domain name regulation applies in various levels of legislation both in terms of material law and formal law. However, the embodiment of legal theory has not been maximally used in the construction of Indonesia domain names. In terms of legal agreement, there is no basic framework (Basic Place) in the Indonesia domain name registration agreement provided by PANDI as the Registry to Registrars who have a role as an extension of PANDI to provide Indonesia domain name registration services.

This can be known by looking at some examples of Indonesia domain name registration agreements applied by several well-known Registrars such as DomaiNesi,³⁶ Dapur Hosting³⁷ and Exabytes.³⁸ In the Indonesia domain name registration agreement provided by three examples of well-known Registrars, it shows the different patterns of agreements and the substance of clauses. There are agreements that use a formal nature and there are also agreements that are not formal or use flexible language. The clauses in each agreement issued by the Registrar also vary depending on the policy of the Registrar company. In addition, there is no agreement that specifically regulates Indonesia domain names. The entire agreement contained in the "Terms and Conditions" document mixes the Indonesia domain name in other services. There is even an exoneration clause that essentially traps the Registrant not to sue the Registrar even though there are legal problems.

This condition will lead to legal uncertainty for the Registrant. According to the author, the existence of such potential stems from the regulation of Indonesia domain name which have not been comprehensively regulated and outlined in laws and regulations. In the future, it is hoped that the parties involved can form a construction that has more legal certainty.

2. Problems in Formal Law

The Indonesia Domain Name case BMW.id is one of the cases handled by PPND PANDI, which involves one of the PPND PANDI Panelists himself, Benny Muliawan,

³⁶ <https://www.domainesia.com/tos/>.

³⁷ <https://dapurhosting.com/tos>.

³⁸ <https://cdn.exabytes.co.id/download/legal/exabytes-terms.pdf>.

who submitted a request for cancellation of the Indonesia domain name by a well-known automotive company called Bayerische Motoren Werke AG (BMW).³⁹ Benny Muliawan registered a BMW.id domain name when PANDI opened a domain name registration period entitled “anything.id” during the Sunrise stage. The opportunity was used by Muliawan to register a BMW.id domain name by paying a fee of 22 million rupiah. However, the domain name was not used by Muliawan as a website page but instead only used to park his email, namely doktermerek@bmw.id which was then distributed to MSME entrepreneurs who needed intellectual property rights information.⁴⁰

PPND PANDI accepted the domain name dispute application and appointed Panelists consisting of Robinson Hasoloan, Helni Mutiarsih Jumhur and Gunawan Bagaskoro. The Panel decided to transfer the BMW.id domain name to the applicant based on several considerations. The panel considered the existence of the applicant as a well-known trademark that had been registered in several countries including Indonesia and in several classes at once so that it had exclusive rights to use the BMW trademarks by Directorate General of Intellectual Property Ministry of Law and Human Rights of the Republic of Indonesia (DJKI). Another consideration was the legitimate interest which is more inclined to the applicant who will use the BMW.id domain name for website purposes, while the respondent has so far only used the domain name for email parking, not to build substantial website. The final consideration is the indication that the respondent registered the BMW.id domain name in bad faith.⁴¹

However, the case is actually not really over. Benny Mulyawan, who had initially lost the case, then filed a civil lawsuit at the Tangerang District Court which sued PANDI, PT. Rahajasa Media Internet, and PT. Digital Registra Indonesia.⁴² However, the court did not accept Mulyawan’s lawsuit application, as well as after being filed until the

³⁹ Redaksi Masalah ICT, ‘Kisruh Domain BMW.Id, Siapa Bersalah?’ [2015] *Majalah ICT*.

⁴⁰ Pramudya (n 31) 128.

⁴¹ Asawati Nugrahani, ‘Sinkronisasi Pengaturan Hak Merek Dan Nama Domain Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis Dan Undang-Undang Nomor 11 Tahun 2008 Juncto Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik’ (Skripsi, Universitas Sebelas Maret 2018) 55.

⁴² Febri Ardani, ‘Babak Baru Sengketa Domain BMW.Id’ (*CNN Indonesia*, 2018) <<https://www.cnnindonesia.com/teknologi/20180818233634-384-323295/babak-baru-sengketa-domain-bmwid>> accessed 19 April 2024.

appeal level at the Banten High Court was also rejected because the court felt that it was not authorized over the main case filed.⁴³ The latest development is that the dispute was brought by Mulyawan to the realm of cassation but the lawsuit was rejected by a panel of cassation judges.⁴⁴

The series of Indonesia domain name stories, especially the BMW.id above, reflect the existence of an Indonesia domain name dispute resolution system that has loopholes because the decision from PPND PANDI is not final and binding. Mulyawan as the first Registrant and a person who had been a Panelist of PPND PANDI also argued that the decision of PPND PANDI did not have executory power. Although formal procedural and procedural legal technicalities have been formulated comprehensively, they have not guaranteed enforcement that leads to legal certainty.⁴⁵ The author tries to annotate PANDI Policy Number 005 concerning Domain Name Dispute Resolution Policy. The first is that the case that can be stopped if the party submits to the realm of litigation, is one of the conditions that provide legal uncertainty. The second is the nature of the decision of the PANDI PPND Panel in the form of recommendations to PANDI of the PANDI Policy a quo also cannot create conditions of legal certainty. Further study is needed to build an ideal Indonesia Domain Name Law construction.

Based on the discussion that has been explained above, it can be seen that in the legal regulation of Indonesian domain names there are still many loopholes that can cause problems that can even be raised as conflicts in court cases. Therefore, this is very important for the government, especially the Ministry of Communication and Information Technology, which has now changed its name to the Ministry of Communication and Digital (KOMDIGI) in collaboration with related parties such as the Indonesian Domain Name Manager (PANDI) to cover the normative gap with adequate regulations, both

⁴³ CNN Indonesia, 'Sengketa Domain BMW.Id Akan Dibawa Hingga Ke MA' (*CNN Indonesia*, 2019) <<https://www.cnnindonesia.com/teknologi/20191222160430-384-459124/sengketa-domain-bmwid-akan-dibawa-hingga-ke-ma>> accessed 19 April 2024.

⁴⁴ Syamsul Arifin, 'Lama Tak Terdengar Kasus Domain BMW, Benny Mulyawan Tunggu Nomor Pengajuan Kasasi Dari MA' (*Tribun News*, 2019) <<https://jatim.tribunnews.com/2019/12/21/lama-tak-terdengar-kasus-domain-bmw-benny-muliawan-tunggu-nomor-pengajuan-kasasi-dari-ma>> accessed 19 April 2024.

⁴⁵ Yudho Winarto, 'Kewenangan PANDI Dalam Perselisihan Nama Domain Harus Diperkuat' (*Kontan*, 2019) <<https://nasional.kontan.co.id/news/kewenangan-pandi-dalam-perselisihan-nama-domain-harus-diperkuat>> accessed 19 April 2024.

through ministerial regulations and through PANDI policies. This is to provide legal certainty to the registrant as the Indonesian domain name registrant community both in terms of material law and its enforcement through formal law, so that it can prevent legal problems in the future because the current regulations are outdated and need to be updated.

Conclusion

Regulations regarding Domain Name Law are spread across several laws and regulations ranging from the Law on Electronic Information and Transactions, Government Regulations on the Implementation of Electronic Systems and Transactions, and special arrangements such as the Ministry Regulation on Domain Name Management and policies from related agencies. This arrangement forms the construction of Indonesia domain names that should be ready to face the challenges of the Industrial Revolution 4.0. Prof. Klaus Schwab, an academic and economic observer from Germany who coined the term Industrial Revolution 4.0 stated that, in this digital age, several aspects play an important role in human life, one of which is the website where the supporting component is the domain name.

But in fact, the regulation of Indonesia domain names has not been comprehensive until now. The most essential arrangements that have been made are related to technical aspects of management such as registration and principles and resolution of domain name disputes that have been regulated in the laws and regulations described above. This legal aspect is still unable to face legal challenges such as the unanswered theoretical and conceptual studies on Indonesia Domain Name Law. One of them is the civil aspect that still depends on the Civil Code and the concept of resolving domain name disputes that are still immature. On the other hand, Indonesia domain names are special objects because they have their own characteristics that should be accommodated by Indonesia's positive law.

As the author recommendation, because Indonesia domain names as legal objects have their own characteristics from other goods, the juridical study of Indonesia Domain Names must be clarified to avoid conceptual problems that can occur in the future. The Government (especially the Ministry of Communication and Digital of the Republic of

Indonesia) and PANDI as Indonesia Domain Name Manager are expected to provide adequate legal instruments or revise existing laws to create conditions of legal certainty, especially for Indonesia domain name registration.

Acknowledgments

The author would like to thank all parties who have helped complete this study, especially the Ministry of Communication and Information of the Republic of Indonesia and PANDI as Indonesia Domain Name Registry.

Disclosure Statement

No potential conflict of interest was reported by the author.

Funding

-

References

- Alwino F, 'Kecerdasan Hukum Respons Revolusi Industri 4.0' (*Staging Point*, 2018) <<http://www.staging-point.com/read/2018/11/14/151205/Kecerdasan.Hukum.Respons.Revolusi.Industri.4.0>> accessed 15 April 2024.
- Amin R, *Pengantar Hukum Indonesia* (Penerbit Deepublish Publisher 2019).
- Ardani F, 'Babak Baru Sengketa Domain BMW.Id' (*CNN Indonesia*, 2018) <<https://www.cnnindonesia.com/teknologi/20180818233634-384-323295/babak-baru-sengketa-domain-bmwid>> accessed 19 April 2024.
- Ardiantoro D, *Pengantar DNS (Domain Name System)* (Universitas Hasanuddin 2003).
- Arifin S, 'Lama Tak Terdengar Kasus Domain BMW, Benny Mulyawan Tunggu Nomor Pengajuan Kasasi Dari MA' (*Tribun News*, 2019) <<https://jatim.tribunnews.com/2019/12/21/lama-tak-terdengar-kasus-domain-bmw-benny-muliawan-tunggu-nomor-pengajuan-kasasi-dari-ma>> accessed 19 April 2024.
- Atip L, 'Hukum Siber, Urgensi Dan Permasalahannya' (2001) 1 Jurnal Keadilan.
- Badruzaman MD, *Kompilasi Hukum Perikatan* (PT Citra Aditya Bakti 2001).
- Bakri M, *Pengantar Hukum Indonesia Jilid 2 : Pembidangan Dan Asas-Asas Hukum* (UB Press

2013).

CNNIndonesia, 'Sengketa Domain BMW.Id Akan Dibawa Hingga Ke MA' (CNNIndonesia, 2019) <<https://www.cnnindonesia.com/teknologi/20191222160430-384-459124/sengketa-domain-bmwid-akan-dibawa-hingga-ke-ma>> accessed 19 April 2024.

Computer Service Langenbach (CSL) GmbH, 'What Is a Domain Name's Life Cycle', (Computer Service Langenbach (CSL) GmbH, n.d.) (*Computer Service Langenbach (CSL) GmbH*) <https://joker.com/faq//content/52/462/en/what-is-a-domain-name_s-life-cycle.html> accessed 17 April 2024.

Directorate for Science, Technology and Industry Committee for Information, Computer and Communications Policy, *Evolution in the Management of Country Code Top Level Domain Names (ccTLDs)* (Organization for Economic Cooperation and Development (OECD), 2006).

Habibi SSS, 'Tinjauan Yuridis Status Hukum Kewenangan PANDI Sebagai Perwakilan ICANN Dalam Pengelolaan Nama Domain Di Indonesia Dihubungkan Dengan Kewenangan Pemerintah Dalam Pengawasan Domain Di Indonesia Berdasarkan Peraturan Perundang-Undangan Di Indonesia' (Skripsi, Universitas Kristen Maranatha 2017).

Harminingtyas R, 'Analisis Layanan Website Sebagai Media Promosi, Media Transaksi Dan Media Informasi Dan Pengaruhnya Terhadap Brand Image Perusahaan Pada Hotel Ciputra Di Kota Semarang' (2014) 6 Jurnal STIE Semarang.

Hasanah H, 'Aspek Hukum Pidana Cybersquatting Yang Menimbulkan Kerugian Terhadap Pemilik Nama Domain Asli Dalam E-Commerce' (2014) 12 Majalah Ilmiah UNIKOM <<https://ojs.unikom.ac.id/index.php/jurnal-unikom/article/view/24>>.

<https://www.domainesia.com/tos/>.

<https://dapurhosting.com/tos>.

<https://cdn.exabytes.co.id/download/legal/exabytes-terms.pdf>.

Ibrahim J, *Teori Dan Metodologi Penelitian Hukum Normatif* (Bayumedia 2007).

indoworx.com, 'Apa itu DNS Cache dan Bagaimana Cara Kerjanya?' (*Indoworx*, 9 October 2016) <<https://www.indoworx.com/apa-itu-dns-cache-dan-bagaimana-cara-kerjanya/>> accessed 17 April 2024.

Jumhur HM, 'Model Lembaga Pendaftaran Nama Domain Dikaitkan Dengan Undang-Undang Nomor 11 Tahun 2008 Menuju Kepastian Hukum' (2014) 11 Jurnal

Konstitusi 571.

Kurniawan Y, *Punya Domain Sendiri Itu Gampang – Kiat Mudah Dan Praktis Memiliki Domain Sendiri* (PT Elex Media Komputindo 2009).

LaQuey T, *Sahabat Internet* (Penerbit ITB 1997).

'Memahami Siklus Daur Ulang Domain .COM' <<https://beon.co.id/news/memahami-siklus-daur-ulang-domain-com>> accessed 17 April 2024.

Musyarrri FA, 'Analisis Yuridis Pengaturan Passing Off Terhadap Merek Terkenal Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis' (Skripsi, Universitas Brawijaya 2018).

Nizar M, 'Kejahatan Nama Domain Berkaitan Dengan Merek' (2018) 33 Yuridika 118.

Nugrahani A, 'Sinkronisasi Pengaturan Hak Merek Dan Nama Domain Berdasarkan Undang-Undang Nomor 20 Tahun 2016 Tentang Merek Dan Indikasi Geografis Dan Undang-Undang Nomor 11 Tahun 2008 Juncto Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik' (Skripsi, Universitas Sebelas Maret 2018).

PANDI, 'Siklus Domain' (*PANDI*) <<https://pandi.id/mengelola-domain/siklus-domain>> accessed 17 April 2024.

'Pengelola Nama Domain Internet Indonesia (PANDI)' (2024) <<https://pandi.id/>> accessed 15 April 2024.

Peter Mahmud Marzuki, *Penelitian Hukum* (Kencana 2007).

Piliang YA, 'Masyarakat Informasi Dan Digital: Teknologi Informasi Dan Perubahan Sosial' (2012) 27 Jurnal Socioteknologi <<https://media.neliti.com/media/publications/41503-none-dcf5b5fa.pdf>>.

Pramudya W, 'Analisis Itikad Tidak Baik (Bad Faith) Dalam Pendaftaran Dan Penggunaan Nama Domain Internet' (Skripsi, Universitas Islam Indonesia 2016).

Priapantja CC, 'Keberlakuan Hak Atas Kekayaan Intelektual (HaKI) Dalam Suatu Sistem Informasi Dan Jaringan Informasi' (2000).

Putri DE, 'Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Nama Domain Internasional' (Skripsi, Universitas Lampung 2018).

Rahardjo B, 'Aspek Teknis Dari Nama Domain Di Indonesia' (2000).

Ramadhansyah AP and others, 'Etika IT Dan Hukum Terhadap Tindakan Kejahatan Cybersquatting Pada Domain Merek Terkenal' (2018) 1 Jurnal SITECH : Sistem Informasi dan Teknologi 139.

Redaksi Masalah ICT, 'Kisruh Domain BMW.Id, Siapa Bersalah?' [2015] *Majalah ICT Rohaya S, Internet : Pengertian, Sejarah, Fasilitas Dan Koneksinya* (Perpustakaan Digital UIN Sunan Kalijaga 2008).

Schwab K, *The Fourth Industrial Revolution* (World Economic Forum 2016).

Soemitro RH, *Metodologi Penelitian Hukum Dan Jurimetri* (Penerbit Ghalia 1988).

Syahrizal D, *Kasus-Kasus Hukum Perdata Di Indonesia*, (Pustaka Grhatama 2011).

Wardiono K and others, *Hukum Perdata* (Muhammadiyah University Press 2018).

Wiangga LS, 'Nasib Domain .Id: Pandi Ternyata Bukan Bawahan ICANN' (*Bisnis.com*, 2012) <<https://ekonomi.bisnis.com/read/20120215/84/64134/nasib-domain-id-pandi-ternyata-bukan-bawahan-icann>> accessed 16 April 2024.

Winarto Y, 'Kewenangan PANDI Dalam Perselisihan Nama Domain Harus Diperkuat' (*Kontan*, 2019) <<https://nasional.kontan.co.id/news/kewenangan-pandi-dalam-perselisihan-nama-domain-harus-diperkuat>> accessed 19 April 2024.

Zae, 'Ricuh Pengelolaan Nama Domain, APJII Minta Pemerintah Jadi Mediator' (*Hukum Online*, 2005) <<https://www.hukumonline.com/berita/baca/hol13177/ricuh-pengelolaan-nama-domain-apjii-minta-pemerintah-jadi-mediator>> accessed 16 April 2024.

--This page is intentionally left blank--