CYBER SAFE HARBOR 4.0: ADVANCING ETHICS AND PROFESSIONALISM IN INDONESIA'S DIGITAL LANDSCAPE

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ABSTRACT

The rapid development of digital platforms has prompted the need for robust policies to ensure ethical and professional conduct among platform and content providers. The "Digital or Cyber Safe Harbor Policy 4.0" is a comprehensive framework designed to protect these entities from legal liabilities while fostering a safe and innovative digital environment. This essay explores the implications of this policy within the Indonesian context, highlighting its importance, implementation strategies, potential impacts, challenges, and future improvements. It emphasizes the need for legislative updates, effective compliance mechanisms, and public awareness campaigns to ensure successful adoption. Ethical and professional issues are examined for platform and content providers, focusing on preventing misinformation, protecting user privacy, combating hate speech, maintaining transparency, and upholding accountability. The essay also discusses the necessity of balancing regulation and innovation, addressing enforcement challenges, and aligning global standards with local contexts. The conclusion underscores the critical role of the policy in supporting Indonesia's digital growth, protecting free speech, and ensuring ethical standards while advocating for continuous updates, stakeholder collaboration, enhanced user education, and infrastructure improvements to perfect the policy in the future.

KEYWORDS	*Safe Harbor, Ethics and Professionalism, Platform and Content, Policy*

INTRODUCTION

The quick expansion of platforms on a worldwide scale calls for strong legal structures to uphold ethical and professional behavior by platform operators and content creators. As a response to this need for regulation and guidance in the realm,' Digital or Cyber Safe Harbor Policy 4.0' emerges as a vital framework

designed to protect online intermediaries from liability while promoting innovation and upholding ethical standards. This research delves into the implementation of this policy in Indonesia by bridging the gap between global regulations such, as the US DMCA and EU Digital Services Act and Indonesia's specific socio legal hurdles. This study offers an flexible model, for developing countries by analyzing how to implement strategies that match Indonesia's distinct cultural and regulatory environment.

This research addresses a void by looking into how Indonesia has embraced the Safe Harbor framework in a manner that fits its cultural values and legal and economic environment. Contrary to studies that mainly focus on Western frameworks this research delves into the specific needs of a developing nation with a varied digital milieu. The blending of international norms offers practical guidance for nations dealing with comparable issues, in digital governance.

From a worldwide viewpoint, as technology advances rapidly and digital platforms become widespread, the need for legislation relevant to each industry becomes more and more apparent. Significant platforms and stakeholders have emphasized the need for a common worldwide standard. The goal is to address the differences in national or regional legislative frameworks. As a result, voluntary Codes of Conduct have been developed, such as the EU's notice-and-take-action Code, which aims to address and counteract illegal hate speech. Although private regulatory Codes are uniformly supported by platform governance and operational norms, they must provide total legal certainty in many jurisdictions. For example, despite its legally obligatory regulations, the EU Code has faced obstacles and received negative feedback. To tackle problems related to terrorist and extremist content, efforts such as establishing the Global Internet Forum to Counter Terrorism (GIFCT) and the implementation of the Institute for Strategic Dialogue's Terms of Service for smaller platforms have been undertaken. In addition, the Digital Millennium Copyright Act (DMCA) of 1998, a legislation of significant global influence, established safe harbors for internet service providers in the United States. This legislation has been a model for similar legal frameworks adopted in several countries worldwide. Although these frameworks have supported the expansion of platforms and user-generated content, they have also sparked concerns around the distribution of unlawful or unsuitable information.

In the Indonesian context, the lack of particular laws for content service providers has sparked talks on creating legislation to tackle ethical and professional issues in content distribution. Improper usage of service platforms can harm one's reputation, enable criminal behavior, and spread unethical or unlawful material, highlighting the urgent requirement for ethical concerns and professional standards (Syahid et al., 2023). The issues are worsened by market distortions caused by the commercialization of digital platforms, user-generated content, and social media applications, resulting in detrimental external effects. Addressing these concerns aligns with Indonesia's national policy goals, which focus on promoting a prosperous digital economy, as outlined in the revisions to the 1945 Constitution (GBHN).

Article 33 of the Constitution emphasizes the importance of social justice and economic development (Dudhat & Agarwal, 2023). It provides the basis for creating laws that address market failures and support the country's digital and economic advancement. This essay examines the implications of this approach for Indonesia, with a specific focus on its significance, implementation techniques, potential impacts, challenges, and prospects for future enhancements.

In order to create a coherent narrative, the research connects the ethical dilemmas explored in the literature review with the suggested plans for execution. This method enables each segment to progress from the learnings of the preceding ones, offering a smooth transition, from theoretical principles to practical suggestions.

Paper objective

The primary objective of this paper is to analyze the "Digital or Cyber Safe Harbor Policy 4.0" from the Indonesian perspective, with a focus on the ethical and professional issues faced by platform and content providers. The study begins by clearly defining the Digital or Cyber Safe Harbor Policy and its essential components. It then contextualizes the policy within Indonesia's legal and regulatory framework to ensure local relevance and compliance. The analysis identifies and discusses the ethical and professional challenges that arise for platform and content providers under this policy, highlighting the complexities involved in maintaining user rights while ensuring responsible content moderation.

Furthermore, the paper explores effective implementation strategies for the policy in Indonesia, detailing the necessary adjustments and improvements to optimize its effectiveness. It assesses the potential impacts and implications of the policy on various stakeholders, including users, providers, and the broader digital economy, emphasizing both the benefits and potential risks. Finally, the study offers future recommendations for policy improvements and strategies to address emerging challenges, ensuring that the Safe Harbor Policy remains robust and adaptable in the face of technological advancements and evolving digital landscapes.

Key of questions

The analysis of the Digital or Cyber Safe Harbor Policy 4.0, from a perspective focuses on key aspects;

1. Understanding the Policy; What does the Digital or Cyber Safe Harbor Policy 4.0 entail. What are its main components?
2. Local Relevance; How does the Digital or Cyber Safe Harbor Policy 4.0 align with Indonesias regulatory landscape?
3. Ethical Dilemmas; What ethical and professional dilemmas do platform providers and content creators encounter under this policy in Indonesia?

4. Implementation; How can the Digital or Cyber Safe Harbor Policy 4.0 be successfully put into practice in Indonesia. What modifications or enhancements are needed?
5. Impacts and Consequences; What effects and ramifications might the Digital or Cyber Safe Harbor Policy 4.0 have on stakeholders, such as users, providers and the wider digital economy, in Indonesia?
6. Future Suggestions; What upcoming policy enhancements and approaches can tackle emerging challenges linked to the Digital or Cyber Safe Harbor Policy 4.0 in Indonesia?

Literature Review

The rapid advancement of digital technologies has necessitated the development of regulatory frameworks, including Digital or Cyber Safe Harbor Policies, to address ethical, legal, and professional issues in the digital realm. These policies protect internet intermediaries and application developers from liabilities related to user-generated content, balancing the interests of various stakeholders while fostering innovation and free expression. This literature review examines the evolution and implementation of Safe Harbor Policies globally, focusing on the United States DMCA and the EU's eCommerce Directive and their application in Indonesia. It explores challenges and ethical considerations for platform and content providers, analyzing Indonesia's regulatory landscape, including the UU ITE and UU PDP laws. By reviewing scholarly articles, legal texts, and case studies between 2018 and 2024 with foundation support from earlier milestones, the review aims to understand the Safe Harbor Policies' implications for ethical and professional practices in Indonesia's digital ecosystem. The review identified gaps in existing literature and proposed future research areas to inform more effective and ethical policy development.

Understanding Digital or Cyber Safe Harbor Policy 4.0

The Digital or Cyber Safe Harbor Policy refers to legal frameworks that protect internet intermediaries and application developers from liability for user copyright or defamation infringements. These policies enable the creation of low-transaction-cost communities where licensed and user-generated material can be shared online, based on individual decisions by operators and users. The Digital Safe Harbor Policy 4.0 specifically provides legal protections to online platforms and content providers, shielding them from liability for user-generated content under certain conditions. This policy encourages innovation and free expression while ensuring that platforms take reasonable steps to manage harmful content.

In the context of Indonesia, where internet penetration is rapidly increasing, such a policy is crucial for balancing digital growth and maintaining ethical standards. The Digital Safe Harbor Policy impacts various stakeholders, including tech giants, local startups, and content creators. It is essential to create an environment where digital innovation can thrive while ensuring that content moderation and user

protection are effectively managed. This balance is particularly important in Indonesia's dynamic and diverse digital landscape, where the potential for growth must be aligned with robust ethical considerations.

Tabel 1 – Sea Harbor vs Digital or Cyber Safe Harbor Illustration.

Analogical Explanation of "Harbor"		
	Sea Harbor	Digital Safe Harbor
1. Security and Safe-guarding	Serves as a secure location for ships to anchor, shielding them from the perils of the open ocean, such as inclement weather, acts of piracy, and turbulent waters.	Provides legal protection to online intermediaries, such as platform providers and application developers, against liability arising from user-generated content. These businesses are protected by a "safe harbor" provision, which exempts them from direct liability for the activities of its users, as long as they adhere to specific standards.
2. Enabling and guiding activities:	A crucial hub for facilitating trade and commerce since it serves as a strategic site for the loading, unloading, and transportation of products. They serve as centers of economic activity.	Rules in the digital domain promote the unrestricted movement of information, services, and digital content. By offering legal safeguards, these regulations promote the growth and sustainability of platforms that facilitate user-generated content, thereby stimulating innovation and economic activity on the internet.
3. Controlled Setting	Adhere to particular standards to guarantee safety, security, and optimal functioning. There are regulations governing the process of docking, loading, unloading, and managing goods.	Function under legal frameworks that establish specific conditions for granting immunity. These responsibilities may encompass obligations for platforms to promptly respond to notices regarding illegal content, keep records, and collaborate with law enforcement authorities.
4. Secure Transit	Serves as a secure location where ships can seek shelter and make necessary preparations for their upcoming voyage.	Employ safe harbor principles to traverse the intricate legal terrain of user-generated material. These regulations offer a sanctuary from the potential legal actions, enabling platforms to operate with greater freedom and concentrate on fostering innovation.
5. Assistance and Aid provided	Is a facility that offers a range of services such as ship maintenance, repair, and replenishment.	Rules provide support to online platforms by alleviating the legal obligations and potential expenses related to user-generated material. This allows platforms to allocate more resources towards strengthening their services and boosting user experiences.

The Digital safe harbor policy is needed in Indonesia to bridge different privacy approaches and provide a streamlined means for organizations to comply with data protection regulations. With the policy, the establishment and cessation (beredel) of newspapers as content providers in Indonesia have traditionally been influenced by governmental interventions, including prohibitions, admonitions, and regulatory interventions that can be avoided (Erawaty & Irwansyah, 2019), for example, the decline of printed newspapers such as Sinar Harapan occurred throughout the New Order period.

The Safe Harbor framework ensures that data transfers between countries are secure and confidential, protecting cross-border data transfers. However, the fragmented privacy laws in Asia create inconsistencies in data protection, making it challenging for businesses to navigate. Indonesia needs a clear policy to address these challenges and support digital entrepreneurship, especially for SMEs (Dudhat & Agarwal, 2023). These include:

- Encouraging Innovation: The safe harbor policy incentivizes platforms to innovate without the constant fear of litigation. Providing a legal safety net allows new digital services to flourish, contributing to Indonesia's digital economy.
- Protecting Free Speech: Free speech is crucial in a diverse society like Indonesia. The policy ensures that platforms do not overly censor content due to fear of legal repercussions, thus supporting democratic values (M & Hairunnisa, 2023).
- Managing Ethical Concerns: The policy addresses ethical concerns by requiring platforms to adopt measures against illegal and harmful content, including hate speech, misinformation, and copyright infringement (M & Hairunnisa, 2023; Purbasari et al., 2021b).

Indonesia is facing a challenge, in finding the balance between allowing free expression encouraging platform innovation and protecting users from online risks. This delicate balancing act requires consideration of interests to ensure that policies support innovation and freedom of speech without compromising user safety.

The way Indonesia approaches content regulation is heavily influenced by its social, cultural and political context. With a population and varying levels of literacy tailored solutions are needed to respect cultural norms and political realities while creating a safe and inclusive online space.

Moreover the changing landscape of technology and online behavior means that legal frameworks must constantly adapt. As technology advances and new online trends emerge Indonesia must stay flexible in updating its regulations to effectively address these changes. This continuous adaptation is crucial to keeping frameworks up, to date and capable of managing the complexities of the world.

Definition of Platform Provider

A platform provider is an organization that designs, maintains and runs platforms. Environments that help users, like consumers, businesses and third party

developers to interact. These platforms allow the sharing of information, services and products often using network effects to add value for participants.

In the economy platform providers have a role in providing the essential infrastructure supporting user interactions, including servers, databases and software systems. They offer services such as networking, online shopping, content sharing and communication tools. Moreover platform providers oversee user interactions to ensure adherence to terms of service and laws.

The foundation of platform providers involves concepts like network effects where the value of the platform grows with more users joining and interacting. They also navigate two markets by balancing the needs of user groups such, as content creators and consumers. Acting as intermediaries platform providers connect players together facilitating transactions and interactions while establishing rules and standards.

Platform providers, such, as social media sites like Facebook, Instagram and Twitter; online shopping platforms like Amazon, Tokopedia and Bukalapak; content sharing platforms like YouTube, TikTok and Vimeo; and communication tools like WhatsApp, Slack and Microsoft Teams are players in the digital economy. They play a role, in promoting creativity facilitating ways of doing business and linking markets worldwide.

Definition of Content Provider

A content creator is someone who produces organizes and shares content, on platforms. This content can include text, images, videos, audio and other multimedia forms. Content creators play a role in providing interesting materials for audiences.

There are three tasks that content creators engage in; creating content organizing it and sharing it. Creating content involves making material like writing articles making videos, recording podcasts and designing graphics. Organizing content involves selecting and arranging existing material to enhance its value by highlighting the high quality information for their audience. Sharing content involves getting the material out through channels such as websites, social media platforms, blogs and streaming services.

The work of content creators is influenced by perspectives. Information theory looks at how information's transmitted, processed and used – which's crucial, to what content creators do. Media ecology examines how media and communication processes impact perception, understanding behavior – showing how content creators shape the media environment and influence conversations.

The idea of the value chain, in content illustrates how creators develop content that is shared and enjoyed by users with each stage enhancing the material. For instance content creators encompass a range of entities such as news outlets like The New York Times, BBC and Kompas; independent content producers like bloggers, YouTubers and podcasters; and corporate entities like Red Bull Media House that produce content for promotional purposes.

Content creators play a role in ensuring a stream of information and entertainment. They boost user interaction on platforms. Facilitate various business models such, as advertising, subscriptions and partnerships.

Ministerial Regulation Number 5 of 2020

These responsibilities are put in place to guarantee the security of data monitor content and adhere to the laws of Indonesia (Fatihah, 2021; Plate & Ekatjahyana, 2020). Here are some important points;

- Registration; Online service providers (OSPs) that meet requirements, such, as user thresholds and data volume must register with the government. This registration is necessary for operation within the country.
- Data Protection and Privacy; OSPs are required to safeguard user data and privacy. This involves implementing security measures to prevent access, use, disclosure or modification of information.
- Content Moderation; As per MR5 regulations OSPs must promptly remove prohibited content upon receiving a request from the government. Prohibited content encompasses material deemed illegal, harmful or disruptive to order.
- Collaboration with Law Enforcement; OSPs must collaborate with law enforcement authorities in investigations. This includes granting access to user data and content when presented with a demand.
- Transparency and User Notification; OSPs should be transparent, with users regarding data collection practices, terms of service and content moderation guidelines. They also need to offer avenues for users to report violations and seek resolution.
- Tax Responsibilities; Although not clearly outlined in the excerpts provided MR5 strives to guarantee that ESOs, those, from countries meet their tax responsibilities in Indonesia. This is part of an initiative to tackle issues associated with taxing the economy.

Content Moderation and Law Enforcement

Ministerial Regulation Number 5 of 2020, in Indonesia expands the governments control over online content moderation and collaboration with electronic system operators;

1. Content Moderation;
   - MR5 widens the scope of prohibited content to cover anything considered illegal disruptive to order or conflicting with cultural values. This includes hate speech, defamation, terrorism related material and potentially blasphemous content.
   - The government can request ESOs to remove content within specified timeframes within 24 hours for urgent cases. Under MR5 authorities can block platforms or specific content if its deemed necessary for maintaining order or national security.

2. Cooperation with Law Enforcement;
   - ESOs must assist law enforcement agencies in investigations by providing access to user data, like account details IP addresses and communication records when presented with a valid legal request.
   - Real time Monitoring; Though not directly stated in the search findings MR5 is said to empower authorities to request monitoring of electronic communications, from ESOs in instances involving specific serious crimes.

3. Key Concern:
   While these regulations target issues like hate speech and cybercrime they have raised worries among advocates for rights;
   - Freedom of Speech; The broad definition of prohibited content and expanded government removal powers raise worries about censorship and restrictions on expression.
   - Legal Process; The absence of supervision in the removal process raises concerns about legal procedures and the risk of taking down arbitrary or politically motivated material.
   - Privacy; Provisions regarding law enforcements access to data those related to monitoring bring up concerns about user privacy and the risk of misuse.

These duties and responsibilities mirror the governments attempts to manage the environment, safeguard national interests and address concerns related to data security, content control and taxation. However they have also sparked discussions about their impact on progress freedom of speech and the competitive landscape, for both international businesses.

The phenomenon of hate speech, fake news

(M & Hairunnisa, 2023) highlight the importance of addressing news as an impactful issue. They stress the need for people to improve their media literacy skills advocating for thinking and effective verification of information to navigate todays complex media landscape. The authors also recommend that news platforms take steps by implementing strategies to detect and counter fake news. This involves working with experts and the community to develop solutions that can adapt to the evolving challenges posed by misinformation.

The factors contributing to news as described by (M & Hairunnisa, 2023), encompass elements such, as political motives, financial incentives, advancements in technology dynamics of social media and a lack of media literacy. Of significance is the influence of motives in using fake news to manipulate public opinion sway electoral results or undermine political opponents. This intentional spread of false information undermines trust in society. Poses a threat to democratic processes and social unity.

Furthermore economic interests play a role in fueling the spread of news. Content creators may exploit content for profit through increased clicks, which

encourages the production and dissemination of information. Additionally advancements, in technology and the widespread use of media platforms contribute to the spread of fake news.Medias ability to spread information quickly and the way algorithms work can unknowingly make people stick to their beliefs and biases making it harder to tell what's true and whats not.

The writers also stress how important it is for people to be able to judge media because lacking these skills can make them more likely to fall for news. It's essential to improve media literacy and encourage thinking skills in order to effectively fight against the spread and impact of information, in todays digital world.

Additionally studies, like the one by (M & Hairunnisa, 2023), show how technology and social media play a role in spreading news. Digital tools make it easy for anyone to create and share content blurring the line between fact and fiction. Social media platforms, known for sharing information can unintentionally help misinformation spread fast. Algorithms that aim to keep users engaged might also create echo chambers that reinforce biases making it harder to distinguish between whats true and whats not.

In another study by (Matamoros-Fernández & Farkas, 2021) they talk about how platform design and rulesre crucial, in understanding hate speech. They argue that a platform's unique features, algorithms and ways of moderating content can either reduce or worsen the spread of hate speech.

Dealing with hate speech online requires an understanding of how it shows up on platforms requiring specific actions to reduce its harmful effects, in various online spaces effectively.

Code of Conduct in the Industry

Adherence to codes of conduct is paramount in upholding ethical standards and guiding professional conduct within Indonesia's media and online sectors. Several guidelines and regulations are integral to shaping industry practices:

The Indonesian Press Council Guidelines encompass the Journalistic Code of Ethics, which has been in place since 1999 and revised in 2006. This code sets forth ethical standards for journalists and news organizations, emphasizing truthfulness, independence, source protection, and the right to reply and correction. Additionally, the Cyber Media News Coverage Guidelines, introduced in 2012, focus specifically on online journalism ethics, stressing the importance of verifying online information, respecting privacy and copyright, and avoiding the dissemination of hoaxes. Interested parties can access these guidelines on the Indonesian Press Council's website (dewanpers.or.id) (Erawaty & Irwansyah, 2019; M & Hairunnisa, 2023).

The Broadcasting Code of Conduct and Broadcasting Program Standards, overseen by the Indonesian Broadcasting Commission, govern radio and television broadcasters and impact online content platforms as well, particularly those featuring video or audio content. These standards address various aspects, such as

safeguarding children from harmful content, fostering diversity and national unity, and preventing the incitement of hatred or violence (Sidiq, 2023).

Moreover, the Ministry of Communication and Informatics Regulations, specifically Ministerial Regulation No. 5/2020 on Electronic System Providers for Public Use, delineate obligations for online platforms, including content moderation responsibilities concerning terrorism, hate speech, child sexual abuse material, and copyright infringement (Fatihah, 2021; Pingkan & Indra, 2021).

Industry-specific codes, like the Indonesian E-Commerce Association (idEA) Code of Conduct, promote ethical practices among e-commerce entities, focusing on consumer protection and fair competition. Additionally, major platforms such as Facebook, YouTube, and Twitter have established their own community guidelines, which are globally applicable but may include localized adaptations for specific regions (Purbasari et al., 2021b, 2021a).

Although not legally binding, general ethical principles such as respect for human rights, privacy, and intellectual property rights hold significant sway in the Indonesian context. They guide ethical behavior beyond specific regulatory frameworks. These insights from the literature review highlight the foundational challenges and opportunities, paving the way for the detailed analysis of case studies in the Indonesian context.

RESEARCH METHOD

Obtaining information regarding Safe Harbor Policies for platform and content providers requires several steps.

Literature Review and Comparative Analysis

This study adopts a qualitative research approach, emphasizing the collection and analysis of non-numerical data to understand the complexities of the Digital or Cyber Safe Harbor Policy 4.0 within the Indonesian context. Utilizing the postpositivist paradigm, the research acknowledges the existence of an objective reality but seeks to understand it through a critical and contextual lens, recognizing potential biases and errors.

The study delves into Safe Harbor Policies concerning platform and content providers, with a particular focus on Indonesia. By utilizing databases, legal archives, industry reports, and documents from relevant organizations, the research analyzes global Safe Harbor Policies with Indonesia as a focal point. It tracks the development of these policies, evaluates their efficacy in various jurisdictions, and contrasts their provisions to highlight optimal practices and areas needing enhancement within the Indonesian context.

This study uses a method along with legal analysis and case studies to examine the effects of Safe Harbor Policy 4 for Indonesia in a detailed way. Sources of information include regulations from the government and industry reports as well as scholarly articles released from 2019 to 2024. Case studies were chosen based

on how well known the platform's the seriousness of regulatory issues they faced along with how ethical dilemmas affected those involved. Through an examination of these cases, in this study reveals shortcomings in current policies and suggests improvements that align with Indonesian culture.

Ethical Considerations and Professional Standards Assessment Case Studies

The study Evaluates the principles and professional norms that apply to online platforms and content providers, in Indonesia. This involves reviewing guidelines established by the Indonesian Press Council and industry standards. Stakeholder viewpoints are gathered from documents and secondary sources. The results evaluate the adequacy of these frameworks and their consistency, with standards.

Case Study Analysis

Selected case studies, from Indonesia are chosen to showcase dilemmas, content moderation hurdles and legal conflicts concerning platforms. These specific examples are examined to showcase the consequences of Safe Harbor Policies and pinpoint opportunities for enhancement. This examination aids in grasping the effects of these policies, in real world scenarios. Presents actual instances of their implementation.

Analysis Limitation and Future Works

This study has some limitations, such, as not conducting surveys for data collection. The analysis and findings are derived from existing sources and specific instances which might only capture a portion of the viewpoints of parties. To gain a understanding of the real obstacles and moral aspects in enforcing Safe Harbor Policies in Indonesia future studies should include surveys to directly gather input, from platform providers, content creators, legal professionals and civil society groups.

RESULT AND DISCUSSION

Evolution of Safe Harbor Policies

Evolution of Legal Protections for Online Platforms Regarding User-Generated Content and platforms: A Simplified Timeline and Key Considerations:

Globally;
- Early 1990s - Mid-2000s: The Birth of Safe Harbors; The concept of intermediary liability protection emerges as the internet grows. Laws like the US's Section 230 of the Communications Decency Act(Dickinson, 2020) and the EU's E-Commerce Directive are pivotal, shielding platforms from liability for user content under certain conditions.

- Mid-2000s - Present: Evolving Challenges and Amendments; The rise of social media, user-generated content explosion, and concerns about harmful content (hate speech, misinformation, etc.) lead to ongoing debates about the scope of safe harbors. Countries grapple with balancing platform protection with accountability.
- Present and Beyond; The Global Landscape: Different regions have varying approaches. The US sees calls for CDA reform, the EU implements the Digital Services Act, and other countries adapt their legal frameworks.

Indonesia;
- 2008: Electronic Information and Transactions Law; While not directly a "safe harbor" law, the EIT Law lays the groundwork for intermediary liability in Indonesia. It provides some protection for intermediaries acting as conduits, caches, or hosting providers, but conditions for exemption from liability are present.
- 2016: Government Regulation Number 71/2019 on Electronic System and Transaction Operators (often referred to as the MR5/2020); This regulation further defines the responsibilities of online platforms, including content moderation obligations. It introduces elements of a safe harbor framework, but with a stronger emphasis on platform responsibility for mitigating harmful content.
- Present and Future; Indonesia continues to refine its approach to online platform liability. The evolving digital landscape, coupled with concerns about online harms, suggests that further legal and regulatory developments are likely.

Assessment of Ethical and Professional Standard
Ethical and Professional Issues for Platform Providers

Safe harbor rules create differential legal risk for websites hosting illegal content and offer immunity from legal liability for online intermediaries, favoring them over rights holders. Safe harbor protections influence the evolution of platforms reliant on user-generated content.

Ethical Responsibilities; Platform providers hold significant power in shaping public discourse. Ethically, they are responsible for ensuring their platforms do not propagate harmful content. This includes:

- Preventing Misinformation: Platforms must implement robust fact-checking mechanisms to prevent the spread of false information, which can lead to public harm. In Indonesia, misinformation has had severe consequences, including influencing public opinion during elections and spreading false health information during the COVID-19 pandemic (Purbasari et al., 2021a).

- Protecting User Privacy: Ethically, platforms should prioritize user data protection, ensuring compliance with data privacy laws and regulations. The Personal Data Protection Law (UU PDP), passed in 2022, underscores the importance of user data protection in Indonesia.
- Combating Hate Speech: Platforms have to prevent hate speech and protect vulnerable communities from online harassment and abuse. Indonesia has seen a rise in online hate speech and cyberbullying, which platforms must address ethically (Syahid et al., 2023).

Professional Standards; The issue of professionalism for platform providers concerning digital or cyber safe harbor policies is complex, involving balancing external regulatory oversight with platform companies' internal governance practices. Legal reforms in different jurisdictions gradually reflect the shifting paradigms in copyright protection, but challenges remain in law enforcement and civil dispute cases regarding the validity of platform rules. While once effective, the notice-and-takedown method no longer fully reflects the growing platform economy, necessitating inevitable legal reforms (Agus Riswandi et al., 2022).

Professionalism for platform providers involves adhering to high standards of operation, which include:

- Transparency: Platforms should be transparent about their content moderation policies and how they handle user data. This aligns with Indonesia's Electronic Information and Transactions Law (UU ITE) requirements, which mandates clear information about digital operations (Purbasari et al., 2021b).
- Accountability: There should be clear accountability mechanisms for content that violates ethical standards, including transparent processes for addressing user complaints. The Indonesian government has emphasized accountability in digital content through various regulations (Purbasari et al., 2021b).
- Compliance: Platforms must comply with local and international laws, including the Digital Safe Harbor Policy 4.0, to maintain professional integrity. Compliance with the UU ITE and other relevant regulations is crucial for platform operations in Indonesia (Purbasari et al., 2021b).

Ethical and Professional Issues for Content Providers

Content providers face dilemmas in the realm of cyber safe harbor policies. When it comes to striking a balance, between the rights of copyright owners and individuals or platforms that engage in or support the use of copyrighted material on the internet. The implementation of harbor regulations like those specified in the Digital Millennium Copyright Act (DMCA) is intended to establish a structure that promotes responsible conduct, among online intermediaries concerning copyright violations.

Ethical Responsibilities; Content creators, such, as bloggers, influencers and media platforms have a responsibility to ensure that their content is accurate, fair and considerate. This involves;

- Truthfulness; It's crucial for content creators to verify the accuracy and thoroughness of the information they share to prevent the dissemination of information. This is particularly significant, in Indonesia, where misinformation has impacted political developments (M & Hairunnisa, 2023).
- Respecting Intellectual Property; Ethically speaking content creators should uphold intellectual property rights by refraining from plagiarism and unauthorized use of others work. The Indonesian Copyright Law (UU Hak Cipta) safeguards these rights. Emphasizes the importance of respecting property (Nurhijriaty et al., 2024).
- Cultural Sensitivity; Content should demonstrate an understanding of cultural diversity while avoiding perpetuating stereotypes or biases. Given Indonesias tapestry it is essential to approach content creation with sensitivity (Purbasari et al., 2021a).

Professional Standards; In Indonesia a policy called Safe Harbor Protection Policy exists for e marketplaces to ensure the security and reliability of systems managed by platform providers. This policy offers protection, to platform providers, merchants and users involved in transactions ((Purbasari et al., 2021b). Moreover the creation of content plays a role in fostering digital based SMEs in Indonesia, where innovative content is key for staying competitive. Regulations governing prohibited content on platforms, such as goods and services that violate laws and regulations are essential for upholding standards (Purbasari et al., 2021a). The Ministry of National Development Planning has crafted a roadmap for driving transformation in Indonesia with a focus on enhancing human resources development and digital infrastructure (Purbasari et al., 2021b). To thrive in the expanding economy digital entrepreneurs in Indonesia must take into account factors, like production quality, capacity and literacy to remain competitive (Purbasari et al., 2021a).

Professionalism, in the content creation field involves upholding standards in creating and sharing content, which includes;

- Verification; Ensuring that the content is verifying sources to maintain credibility and professionalism (M & Hairunnisa, 2023).
- Transparency Regarding Conflicts of Interest; It is important for content creators to disclose any conflicts of interest, such as sponsorships or paid promotions to uphold transparency. The Indonesian Broadcasting Commission (KPI) emphasizes transparency in media content (M & Hairunnisa, 2023).
- Compliance with Guidelines; Content creators should adhere to the guidelines established by platforms and regulatory bodies to ensure

adherence, to ethical standards (M & Hairunnisa, 2023; Purbasari et al., 2021b)

Case Studies and dilemas

Blocking Reddit and Vimeo in Indonesia highlights the difficulties of balancing values with actions. Showcases the regulatory hurdles that platform operators encounter when trying to align content moderation, with local regulations.

Platform providers and content creators in Indonesia face ethical and professional dilemmas under the policy outlined in Ministerial Regulation Number 5 of 2020. These dilemmas include ensuring data security and privacy while complying with Indonesian law, handling content moderation responsibilities promptly, cooperating with law enforcement agencies in investigations, maintaining transparency with users, and fulfilling tax obligations, particularly for foreign entities (Purbasari et al., 2021b).

The ethical dilemmas and content moderation challenges faced under the policy in Indonesia include concerns over the lack of due process in content moderation actions, limited content moderation options leading to over-enforcement risks, the need for clear definitions of prohibited content, and the absence of an appeal mechanism in content moderation undertakings. These challenges impact the ability of platform providers and content creators to effectively manage online content while upholding ethical standards and complying with regulatory requirements (Pingkan & Indra, 2021). The dilemmas reflected in following case studies;

- The instances of Reddit and Vimeo being banned in Indonesia illustrate the challenges of harmonizing values with online liberties. The prohibition of Reddit stemmed from subreddits hosting content deemed culturally unfit sparking discussions on censorship and fair regulationa (Moloney & Mutiara Sylva, 2019). Some of user continue accessing the blocked platform through VPN applications.
- Likewise the spread of misinformation during the 2019 elections emphasized the significant influence platforms wield in molding perceptions and the pressing need for regulatory measures to tackle ethical breaches. These cases underscore the necessity for defined policies, on content moderation that respect both freedom of expression and cultural considerations (Hui, 2020; M & Hairunnisa, 2023). Efforts to tackle information and ensure transparency, in communication play a crucial role in protecting the democratic process and maintaining the integrity of elections.
- The increase in online scams and fraudulent activities on e-commerce platforms reveals gaps in platform responsibility for user generated content that leads to losses. The growing issue of online scams and fraud on e commerce platforms in Indonesia is a concern, particularly affecting

women who are often targeted by these activities. Investigating e-commerce fraud cases requires an approach compared to fraud cases involving the collection of digital evidence and collaboration with e commerce platforms. Despite the polices efforts to combat e-commerce fraud they face challenges such as technological resources and cross border incidents (Nugrahanto et al., 2023).

- Instances of internet scams and false information during the Covid 19 pandemic in Indonesia have been reported. These include scams related to health issues linked to Covid 19 as political, legal and racial matters. Such misinformation has been spread through social media channels, like Facebook, WhatsApp, Twitter, Instagram and YouTube. To address this issue the government has intensified its awareness campaigns to counter disinformation and educate the public.
- Introducing media literacy into the education system has been suggested as a way to tackle the proliferation of false information (Fatihah, 2021; Rahmawati et al., 2021).

Discussion
Why It Is Needed for Platform Providers
The latest version of the Digital Safe Harbor Policy imposes ethical and professional duties on platform providers to address issues like misinformation control and user privacy protection while tackling hate speech online in a way that is transparent and compliant with Indonesia's laws governing electronic information and transactions. A case in point is the 2019 elections in Indonesia where the role of platforms in amplifying misinformation underscored the urgency, for stronger accountability measures to safeguard democratic values.

The ethical and professional behavior of platform providers holds importance for reasons;

- Establishing Trust; Upholding ethical standards fosters trust among users, which is vital for the platforms sustained success. Trust is particularly crucial, in Indonesia, where concerns regarding trust have hindered the growth of businesses (Rizi et al., 2023).
- Legal Safeguards; Platforms can safeguard themselves from responsibilities associated with user generated content by adhering to harbor provisions.
- Social Accountability; Platforms have a pivotal role, in society and should act responsibly to prevent harm and encourage positive interactions (Purbasari et al., 2021b).

Why It Is Needed for Content Provider

The ethical and professional behavior of content creators plays a role in;

- Upholding Credibility; Adhering to ethical standards helps content creators maintain trust and credibility, with their audience (M & Hairunnisa, 2023).
- Preventing Legal Troubles; By following guidelines and ethical norms content creators can steer clear of issues such as defamation, copyright violations and other concerns. The UU ITE contains provisions that address defamation and the dissemination of information (Nur, 2022).
- Fostering Positive Influence; Ethical content has an impact, on society by encouraging respectful discussions (M & Hairunnisa, 2023).

Challenges

The Ministerial Regulation Number 5 of 2020 also known as MR5 focuses on tackling the issue of enforcing cyber harbor measures in Indonesia. This recent regulation is designed to oversee electronic systems operators (ESOs) within the nation, such, as social media platforms, marketplaces and communication services. Its effects will be felt by both international services and platforms operating in Indonesia (Fatihah, 2021; Purbasari et al., 2021b).

- Finding the balance, between regulations and encouraging innovation poses a challenge. Much regulation can hinder creativity while too little can result in security concerns (M & Hairunnisa, 2023).
- Maintaining policy compliance; across a ranging and varied environment presents a notable difficulty. Implementing monitoring and enforcement systems is essential to handle this complexity (Purbasari et al., 2021a).
- Global Standards vs. Local Context; It can be challenging to align standards with the unique cultural and legal norms of Indonesia. Adapting policies to fit expectations and legal frameworks (Purbasari et al., 2021b).
- Resource Constraints; platforms and content providers may require resources to implement advanced content moderation tools and adhere to strict regulations (Purbasari et al., 2021a).
- Balancing Free Speech and Regulation; Navigating regulations that preserve speech while upholding values poses a complex issue. In Indonesia the UU ITE has faced criticism, for restricting freedom of expression ((Agus Riswandi et al., 2022; Nur, 2022).
- Develop regional guidelines harmonizing global and local norms
- Invest in user education or digital rights and responsibilities

Implementation Strategies

The results are compared to standards like the US DMCA and the EU Digital Services Act for context. Indonesia's approach with MR6 stands out due to its consideration of legal factors unique to the region. For instance, the broader scope of content in MR6 deals with issues that are culturally sensitive in Indonesia such as blasphemy and cultural sensitivity; however it also raises questions, about balancing free speech and avoiding excessive regulation.

The implementation of digital or cyber safe harbor policy in Indonesia is still vague, leaving internet service providers vulnerable to copyright infringement liability by users of their platforms. The Indonesian Ministry of Communication and Information issued Ministerial Regulation Number 5 of 2020 to govern private electronic systems operators in Indonesia, affecting various digital services and platforms, including multinational companies like Google, Facebook, Twitter, and TikTok (Fatihah, 2021; Ikesha Pieter et al., 2024; Purbasari et al., 2021b).

To successfully put the Digital Safe Harbor Policy 4 in place in Indonesia and make sure it works well the following suggestions should be considered;

- *Enhancing the framework* involves revising current rules to precisely outline the duties and obligations of platform providers within the Safe Harbor framework.
- *Utilize AI tools* to identify and address content all while safeguarding user privacy effectively.
- *Launch campaigns to raise awareness* by organizing educational programs to educate individuals, about their rights and responsibilities as outlined in the policy.
- *Engage in partnerships* with organizations to align local regulations with global standards, for addressing cross border content concerns effectively.

CONCLUSION

Summary of key findings

With the upcoming Digital Safe Harbor Policy 4.0 era in mind, safe harbors present a complex situation tied to the societal advantages offered by platform service providers. This challenge raises questions about whether it's worth pausing investments to verify the rights of content creators on these platforms. China emphasizes that adhering to principles of proportionality and cooperation is crucial for accessing these security exceptions, which should be driven by goodwill and non-compromising interventions that lead to fair compensation for any breaches. As society progresses towards developing artificial intelligence, advancements in robot computing capabilities may stabilize and reduce the need for constant attention from machines, ultimately minimizing unusual occurrences. Establishing rules for harbors could address the significant impact of network effects seen in platform services.

In summary, regarding content development, society and stakeholders must prioritize collective benefits. It's crucial to be mindful when creating services that foster an 'ethical' online environment while considering how their actions may negatively affect other professions.

The advancement of technology in the world often brings about ethical dilemmas. When creating content, it's essential to consider financial gain and uphold professional ethics that align with business values and common sense beyond just focusing on sales ethics. Ethical standards should extend to how content is organized. Protecting creators' rights and respecting professions while considering the moral implications for all stakeholders who benefit from the content is crucial. Balancing compensation without making it the sole focus of content creation is critical, as overly emphasizing profit motives can compromise integrity, just as neglecting compensation can hinder access to valuable services or products.

Indonesia's Digital Safe Harbor Policy 4.0 has a role in shaping the country's digital landscape by maintaining a balance between fostering innovation and upholding ethical standards while also safeguarding free speech rights in the online realm. However it's vital for the policy to evolve continually to keep pace with advancements encourage collaboration among stakeholders to fine tune implementation strategies and educate the public to improve digital literacy. These efforts will help Indonesia create an dynamic digital space setting an example, for other developing nations facing similar regulatory dilemmas..

Future direction

Every obligation to run the Digital Safe Harbor fundamental principles and operating procedures shall be imposed by a clear, fair, and lawful policy document created by the digital safe harbor holder. The policy shall describe the principles and procedures to be implemented by the digital safe harbor holder. The Digital Safe Harbor policy is omitted in the regulatory mechanism. Although the most recent revision of the legal product stipulates the Digital Safe Harbor Code of Conduct and Committee, more is needed to guarantee the policy's effective implementation. The Code of Conduct and the Committee only regulate the partnership agreement between the rightsholders and the digital platform providers who would like to use Article 11 of Law No. 19 of 2016 on amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions, as further regulated by Government Regulation No. 82 of 2012 (Syahid et al., 2023). Improvement and perfecting the implementation expected to happen in the future include;

- *Continuous Updates;* The digital landscape is ever-changing, necessitating continuous policy updates. Regular reviews and revisions based on technological advancements and emerging threats are crucial.
- *Stakeholder Collaboration;* collaboration between the government, tech industry, civil society, and international bodies is essential to effectively refining and implementing the policy.

- *Enhanced User Education;* Educating users about their rights and responsibilities under the policy is vital. This includes digital literacy programs to help users navigate and report issues online.
- *Developing Fair Use Doctrine;* Adopting a Fair Use Doctrine tailored to Indonesian contexts can help balance the interests of content creators, users, and rights holders, promoting a more flexible and equitable digital environment (Nurhijriaty et al., 2024).
- *Infrastructure Improvements;* Investing in digital infrastructure, especially for smaller entities, can help them comply with the policy and maintain high ethical standards. Government support and public-private partnerships can play a crucial role.

To ensure the policy's robustness, future iterations should integrate periodic stakeholder consultations and advanced digital literacy programs. Specific recommendations include deploying AI-driven content moderation tools, strengthening public-private partnerships, and creating a transparent appeals mechanism for content takedown requests. These measures will enhance policy adaptability to technological advancements and evolving digital challenges.

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