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Indonesia

**New Risk-Based Licensing Framework: Enactment of Government Regulation No. 28 of 2025**

インドネシア政府は、国内ビジネス環境の近代化を目指し、新たなリスクベースの事業許認可に関する政府規則 2025 年第 28 号 (GR 28/2025) を制定し、同年 6 月 5 日に施行された。旧規則 (2021 年第 5 号) からの主な変更点として、規制対象の事業セクターが 16 から 22 へ拡大されたこと、行政手続きの遅延を防ぐため、申請が規定期間内に処理されない場合に自動的に承認される「みなし承認」の原則が導入されたことなどが挙げられる。本改正はより効率的で投資しやすい環境を整備することを目的とするものであり、外国投資家にとっても望ましいものと評価できる。

**Introduction**

In a significant move to modernize Indonesia's business landscape, the Government of Indonesia has enacted Government Regulation No. 28 of 2025 on the Implementation of Risk-Based Business Licensing ("**GR 28/2025**"). Effective as of 5 June 2025, GR 28/2025 revokes and replaces the earlier Government Regulation No. 5 of 2021 ("**GR 5/2021**"), reinforcing the government's ongoing commitment to a business licensing framework that is comprehensive, streamlined, and better aligned with the dynamic needs of Indonesia's economy.

GR 28/2025 is an extensive piece of legislation, comprising 550 articles divided into 14 chapters and supplemented by 4 annexes which will serve as the principal regulatory framework guiding the Government of Indonesia in the issuance of the following categories of license:

**a. Basic Requirements:**

- (1) Conformity of Spatial Utilization Activities (*Kesesuaian Kegiatan Pemanfaatan Ruang* or "**KKPR**");
- (2) Environmental License;
- (3) Building Approvals (*Persetujuan Bangunan Gedung* or "**PBG**"); and
- (4) Building Functional Worthiness Certificates (*Sertifikat Laik Fungsi* or "**SLF**").

**b. Business License (*Perizinan Berusaha* or "**PB**")**

- (1) Low Risk: Business Identification Number (*Nomor Induk Berusaha* or "**NIB**");
- (2) Medium Risk: NIB and Standard Certificate; and

(3) High Risk: NIB and License.

- c. Business License to Support Business Activities (*Perizinan Berusaha untuk Menunjang Kegiatan Usaha* or “**PB-UMKU**”)

### Key Takeaways

- a. **Expansion of Business Sector Coverage:** GR 28/2025 expands the scope of the risk-based licensing framework from 16 to 22 business sectors, reflecting a broader and more inclusive regulatory approach. The six newly included sectors are (1) Trade and Legal Metrology; (2) Creative economy; (3) Geospatial information; (4) Cooperatives; (5) Investment; and (6) Electronic systems and transactions service.
- b. **Stages of Conducting Business Activity:** Previously, GR 5/2021 stipulated two stages of business activity, namely the (1) preparation stage; and (2) operational and/or commercial stage. GR 28/2025 introduces a new framework, dividing business activities into two main stages, namely (1) starting a business and (2) running a business. Under this new structure, the “running a business” stage generally includes what was previously referred to in GR 5/2021 as the preparation stage and/or the operational and/or commercial stage.

The regulation further elaborates on the specific licenses that must be secured before entering each stage of business activity, as detailed below:

No.	Stage	Risk				
		Low	Medium-Low	Medium-High	High	
1.	Starting a Business					
	a. Fulfillment of business legality;		The process of obtaining PB depends on the risk level of business activity.			
	b. Fulfillment of basic requirements in the form of KKPR and Environmental License; and <sup>1</sup>					
	c. Acquisition or submission of PB based on the business activity.					
2.	Running a Business					
	a. Preparation		NIB	NIB and Standard Certificate	NIB and Unverified Standard Certificate	NIB
	(1) Land procurement;					
	(2) Fulfillment of basic requirements in the form of environmental license <sup>2</sup> and PBG;					
	(3) Building construction;					

<sup>1</sup> The environmental license obtained at this stage is only applicable for businesses and/or activities not required to obtain AMDAL or UKL-UPL.

<sup>2</sup> The environmental license obtained at this stage is only applicable for businesses and activities requiring AMDAL or UKL-UPL.

	(4) Procurement of equipment or facilities;				
	(5) Recruitment of human resources;				
	(6) Fulfillment of business standards; and				
	(7) Fulfillment of PB requirements.				
	<b>b. Operational and/or Commercial</b>			NIB and Verified Standard Certificate	NIB and License
	(1) Production of goods and/or services;				
	(2) Logistics and distribution of goods and/or services;				
	(3) Marketing of goods and/or services; and				
	(4) Other activities for operational and/or commercial purposes.				

Note: PB-UMKU may also be required on operation and/or commercial stage depending on the nature of the business activity.

- c. Regulatory Shift in Supporting Business Activities: The concept of supporting business activities was first introduced under GR 5/2021. However, GR 28/2025 brings a significant shift in how these activities are regulated. Under the previous framework, supporting business activities were not permitted if revenue was generated by undertaking such activities. In contrast, GR 28/2025 now permits revenue generation from such activities. This change is particularly beneficial considering that supporting business activity is exempted from several administrative requirements, including minimum capital and investment value. The new approach offers greater flexibility for businesses to structure operations efficiently while reducing compliance burdens for non-core functions.

d. Basic Requirements

- (1) Exemption on building or commercial complex: Under GR 28/2025, if a business operates in a building or commercial complex where the management has already fulfilled the basic requirements, the business owner is not required to obtain these permits separately. Instead, they can directly apply for their PB and/or PB-UMKU through the Online Single Submission (“OSS”) system.
- (2) Environmental License
  - (i) Highest Environmental Standard Applies: If a business involves multiple KBLI codes within one integrated location, the environmental license must meet the highest environmental requirement among them.
  - (ii) Streamlined Environmental Approval Process: Business actors may apply for technical approval simultaneously with their application for environmental approval, provided that (1) an

environmental assessment shows that the environment can still support the planned business activities; and (2) the management of wastewater and hazardous waste are generated from their own operation/activities.

- (iii) Exemption of Technical Approval: Business actors operating within industrial estates, Special Economic Zone (*Kawasan Ekonomi Khusus* or “KEK”), or Free Trade Zone and Free Port (*Kawasan Perdagangan Bebas dan Pelabuhan Bebas* or “KPBPB”) are exempted from the requirement to obtain technical approval, provided that (1) they do not discharge wastewater into natural water bodies; or (2) if the wastewater is discharged through treatment facilities provided by the estate or zone manager.
- (iv) Acceleration of Environmental License Issuance: The Minister may delegate the authority to issue environmental licenses and technical approvals to governors, regents/mayors, the head of KEK Administrator, and the head of the KPBPB.

### (3) PBG and SLF

- (i) Application of PBG and SLF: Under Government Regulation No. 16 of 2021 on Implementing Regulations of Law Number 28 of 2002 on Buildings (“GR 16/2021”), the Ministry of Public Works and Housing handled applications for PBG and SLF through the Building Management Information System (SIMBG), a dedicated platform for building-related permits. However, under GR 28/2025 these processes have been integrated into the OSS system.
- (ii) Streamlining PBG Requirements: Under GR 16/2021, business actors who owned existing buildings without a PBG were required to obtain SLF before applying for PBG. In contrast, GR 28/2025 simplifies this process by allowing business actors with existing buildings who had not secured PBG prior to the regulation’s enactment to no longer obtain PBG. Instead, they can directly apply for the SLF when submitting or renewing their PB and/or PB-UMKU through the OSS system.

- e. Fictitious Positive Principle: GR 28/2025 introduces the fictitious positive principle as a safeguard against administrative delays in the business licensing process. Under this principle, if a business license application is submitted in full compliance with applicable laws and procedures but remains unprocessed within the stipulated timeframe, the license will be deemed approved and automatically issued through the OSS system.

A prominent example is the issuance of the KKPR for land-based business activities. The regulation mandates a maximum assessment period of 20 working days for authorities to assess the submitted spatial utilization documents, including the issuance of land technical consideration. If this deadline is missed, the KKPR will still be granted regardless of whether the land technical consideration has been issued.

### **Transitional and Closing Provision**

Effective as of 5 June 2025, Indonesia’s business licensing framework will transition to GR 28/2025. During this transitional period, applications and approvals currently processed through the OSS system will continue to be governed under the provisions of GR 5/2021 until the OSS system is fully updated to align with the new regulation, no later than 4 months after the enactment of GR 28/2025.

Additionally, business actors who have obtained their basic requirements, PB, and PB-UMKU prior to the enactment of GR 28/2025 are exempt from compliance with the new regulation, unless GR 28/2025 offers more favorable conditions.

Furthermore, existing regulations will remain in effect as long as they do not conflict with GR 28/2025, ensuring legal continuity and a smooth transition for all stakeholders.

### **Conclusion**

GR 28/2025 represents a significant advancement in Indonesia’s business licensing framework. By expanding the scope of regulated sectors from 16 to 22, it streamlines procedures, reduces administrative burdens, and

introduces the fictitious positive principle to guarantee timely license approvals. As the new cornerstone for risk-based licensing, GR 28/2025 underscores Indonesia's commitment to fostering a more efficient and investor-friendly environment for both domestic and foreign businesses.

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## Thailand

## Inception of New Film Rules: Thailand's Latest Draft of the Film Act

タイ政府は、2025年3月、旧法に代わる映画法案を閣議決定した。主な改正点は、規制対象の変更（ストリーミング配信コンテンツも規制対象に）、国営の検閲制度の廃止・民間の登録機関による自主レーティング制度の導入、映画産業団体の新設、規制機関の再編など。外国映画制作者に対する撮影許可制度は維持されるが、より合理的な運用が見込まれる。

**Introduction**

Thailand has long been a magnet for foreign film producers. In 2024, the Thai film industry generated over THB 6.5 billion (approximately USD 194 million) from foreign film productions, according to the data published by the Thailand Film Office. Despite this growth, the country's current regulation, namely the Film and Video Act of 2008 (the “FVA”), which governs film production and screening in Thailand as well as film censorship and permit issuance, may be regarded as insufficient to address the complexities of contemporary media distribution, including digital streaming platforms. To address these gaps and support continued industry growth, Thailand's Ministry of Culture and Thailand Creative Culture Agency (THACCA) has proposed a revision of the existing legislation through a new draft Film Act (the “Draft Act”).

**Current Regulation Regarding Producing and Screening Films**

The production and screening of films in Thailand are currently regulated by the FVA. The FVA not only governs films but also regulates media in the form of “video”, such as video games and karaoke, etc. Additionally, it imposes licensing requirements on certain business establishments such as cinemas and video rental shops. The followings are the noteworthy provisions under the FVA for foreign film producers:

a. **Filming Permit for Foreign Films**

Under the FVA, any person wishing to produce a foreign film in Thailand must submit the screenplay and a summary of the plot to the Thai Film Office under the Department of Tourism (the “TFO”) and obtain a filming permit from the National Film and Video Committee (“**Filming Permit**”). Once a Filming Permit is granted, foreign films producers must ensure that the films must be produced in accordance with the approved screenplay and plot, and that they do not affect the security and dignity of Thailand. The producers are prohibited from making any films contrary to public order or good morals.

The definition of “foreign films” is further clarified in the Notification of the Film and Video Committee re: Criteria, Method and Conditions for Applying for and Granting Approval for Foreign Film Production in Thailand of 2009 issued under the FVA. In summary, a film will be considered as “foreign film” if: (i) it is either entirely or predominantly in a foreign language in the original screenplay for cinematic performance, or (ii) its copyright holder is not of Thai nationality. Therefore, as the nationality of the copyright holder also determines whether a film is considered foreign, film production in Thailand by a Thai production crew but funded or commissioned by foreign producers may fall within scope of “foreign films” and, thus, require a Filming Permit.

Foreign film producers are also required to hire a “local coordinator”, a company or individual registered with the TFO. The local coordinator is responsible for submitting the Filming Permit application on behalf of foreign producers, handling visas and work permits for the production crew and obtaining permission to access filming locations such as national parks or areas managed by local governments.

b. **Screening and Censorship**

All films, whether Thai or foreign, intended for screening in Thailand must undergo content review and classification by the Film and Video Censorship Committee, who also has the authority to order edits or censor films that disturb public peace and morality. Under the FVA, films are classified into seven categories:



- (i) films that promote learning and should be encouraged for viewing;
- (ii) films suitable for general audiences;
- (iii) films suitable for viewers aged 13 and older;
- (iv) films suitable for viewers aged 15 and older;
- (v) films suitable for viewers aged 18 and older;
- (vi) films prohibited for viewers under 20 years old; and
- (vii) films banned from distribution in Thailand.

It should be noted that “films” under the FVA are defined as “materials that record images or audio-visuals which can be projected as continuously moving images”. Therefore, “films” subject to review and classification under the FVA are limited to those recorded in physical mediums, such as film reels or DVDs. Streaming media and online videos are, therefore, not regulated under the FVA unless they will be later recorded in a physical medium or subject to other applicable laws, such as the Computer Crime Act of 2007, as amended, which prohibits uploading obscene data or data that disturbs national peace onto the internet.

### **Summary of the Key Provisions of the Draft Act**

In response to the evolving media landscape and the limitations of the existing regulatory framework under the FVA, on 27 March 2025, the Cabinet of Thailand approved in principle the Draft Act proposed by the Ministry of Culture. The main objective of the Draft Act is to replace the outdated FVA with a more industry-oriented law that fosters creativity and freedom of expression rather than state control. The Draft Act also aims to reduce obstacles for foreign film producers and enhance competitiveness with local producers. Key provisions in the Draft Act include:

#### **a. *Separation of “Video Games” From “Films” and Revising Definition of “Films”***

One of the notable amendments under the Draft Act is the removal of regulations concerning video games from the film legislation framework which will be enacted as separate legislation. In addition, the Draft Act also introduces a new definition of “films” to reflect contemporary and future modes of content distribution. The term “films” is defined as “continuous images, whether accompanied by sound, which are projected or presented for others to view and are not news reporting or events”. By this definition, “films” are no longer confined to physical media as per the FVA. Consequently, content disseminated through streaming platforms may fall within the regulatory scope of the Draft Act.

#### **b. *Restructuring of the National Film Industry Promotion Committee***

The Draft Act will establish the National Film Industry Promotion Committee (the “**Film Promotion Committee**”) to propose policies and plans for promoting the film industry to the Cabinet, as well as monitor the implementation of these policies. Unlike the National Film and Video Committee under the FVA, the Film Promotion Committee under the Draft Act will no longer include representatives from national security authorities such as the military or Royal Thai Police. Instead, it will comprise more representatives from the private sector and specialists in the fields of mass media or marketing.

#### **c. *Establishing the Federation of Film Industries of Thailand***

The Federation of Film Industries of Thailand (the “**Thai Film Federation**”) will be a new organisation established under the Draft Act. The Thai Film Federation will consist of members from the film and entertainment industries, including both corporate entities and individual professionals. The Thai Film Federation is intended to serve as a representation body for the members by expressing opinions on film-related policies to government agencies and promoting the development and enhancement of the quality of the film industry in Thailand.

d. ***Introducing a “Self-Regulated Rating System”***

A significant departure from the current regulatory regime under the FVA is the abolition of the state-controlled censorship mechanisms and the introduction of a self-regulated rating system. Notably, under the Draft Act, the Film and Video Censorship Committee will be abolished. In conjunction, the existing classification category of “films banned from distribution in Thailand” under the FVA will also be removed. Under the new regulation, all films intended for release or distribution in Thailand must be rated for content suitability based on the age group of viewers. This rating process will be carried out by a private self-regulating body which must be duly registered with the relevant authority under the Draft Act. The specific rating criteria will be stipulated by sub-regulations issued under the Draft Act.

e. ***Establishing the Committee for Monitoring and Supervising the Film Rating System***

To provide regulatory oversight over the newly established rating framework, the Draft Act will establish the Committee for Monitoring and Supervising the Film Rating System (the “**Rating Committee**”) to monitor compliance, implement updates or improvements to the rating system. The Rating Committee will also have the authority to suspend the screening of films that are falsely rated by the self-regulating body. Furthermore, rating systems from foreign countries may also be adopted for use in Thailand under the recommendation of the Rating Committee to the Film Promotion Committee.

f. ***Production of Foreign Films and Filming Permit***

The Draft Act retains the core requirements under the FVA for foreign film productions and adopts a similar definition of “foreign films”, i.e., films that use a foreign language entirely or predominantly in their original screenplay for cinematic performance, or motion pictures where the copyright holder is not of Thai nationality. Under the Draft Act, foreign film producers are still required to submit the screenplay and plot summary for review and must obtain a Filming Permit from the TFO, through an engagement of a local coordinator. Additionally, foreign film producers are prohibited from making films that undermine or contradict public order or good morals in Thailand.

g. ***Introducing a Notification System for Film Businesses***

The Draft Act also proposes to streamline the regulatory process for businesses operating in the film industry. Specifically, under the Draft Act, any person who wishes to engage in the film distribution business (e.g., video rental shops, etc.) or operate a cinema will be required to notify the registrar and operate its business in accordance with the standard as will be announced in by ministerial regulation. This shifts the regulation of business establishments from a “licensing basis” under the current FVA to a “notification basis”.

## **Conclusion**

The Draft Act marks a significant step towards modernising Thailand’s regulatory framework for film production and distribution by abolishing outdated censorship mechanisms, introducing a self-regulated rating system, and restructuring key committees. For foreign filmmakers, the familiar requirements, such as obtaining Filming Permits and hiring a local coordinator, remain, but is expected to be administered under a more streamlined structure as will be further governed by sub-regulation. More notably, the Draft Act expands its scope to address modern forms of content distribution. Streaming media, which previously fell outside the regulatory reach of the FVA, may now be covered under the new definition of “films” and therefore may be required to comply with local regulations once the Draft Act is effective. Industry stakeholders, especially those operating digital platforms, should monitor the final form of the legislation closely and prepare for a new regulatory environment in the years ahead.



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