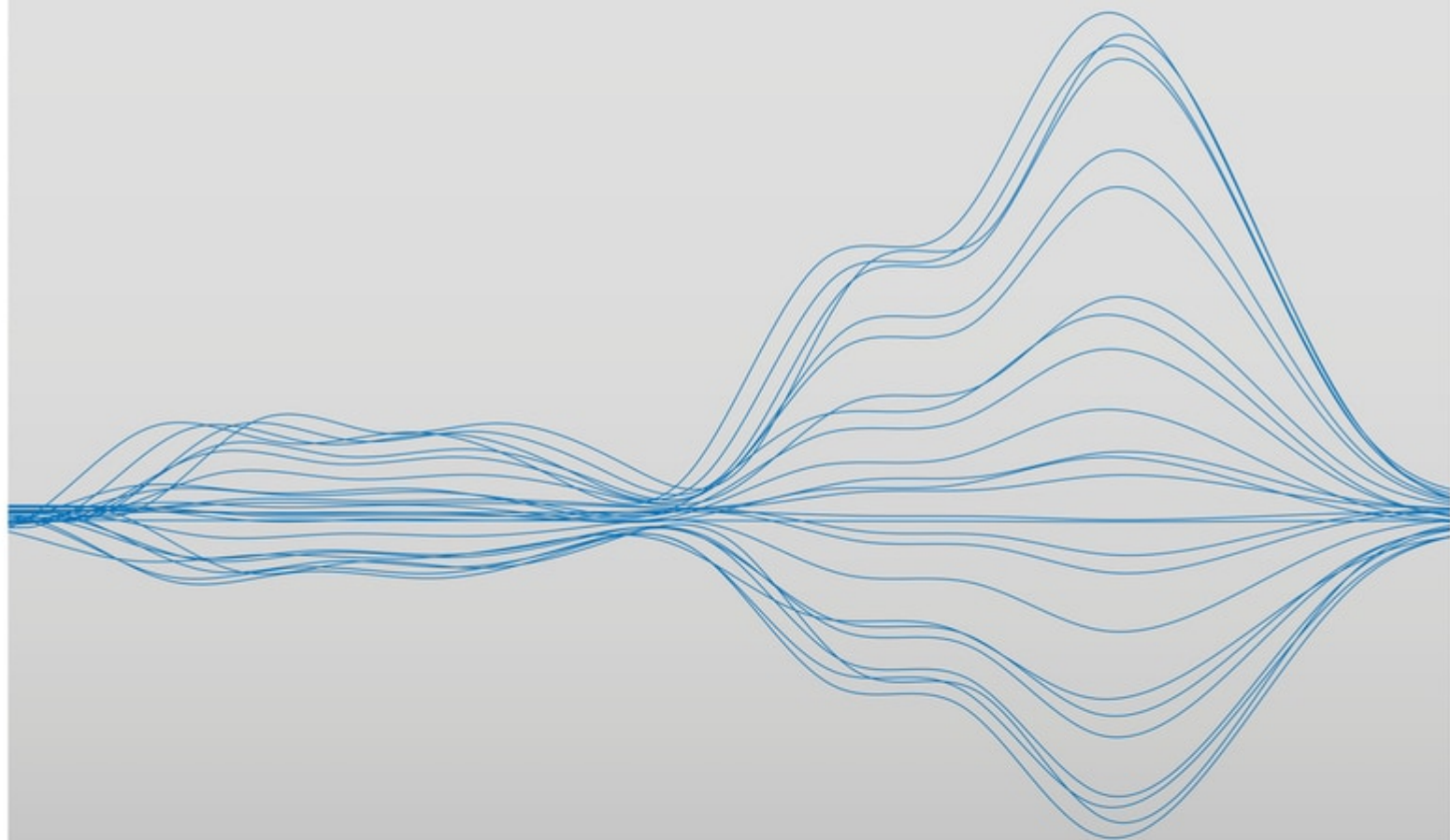


INDONESIA

Telehealth around the world: a global guide



Introduction

The COVID-19 pandemic has caused healthcare systems around the globe to rapidly, and in some cases, radically rethink the delivery of medical care. The global expansion of telehealth services is one way we have seen this transformation occur. This has resulted in significant opportunities in the field, as well as unprecedented regulatory change.

As a quickly evolving area, 'telehealth' can have different meanings in different contexts. In this Global Guide, telehealth refers to the delivery of healthcare services where patients and providers are separated by distance, using information and communications technology for the exchange of information for the diagnosis or treatment of diseases and injuries. We have adapted this definition from the World Health Organisation's definition of telehealth.

Telehealth is not a new concept – healthcare providers, academics and technology developers have been advocating for its use for decades. There are many benefits to the widespread adoption of telehealth, including improved access to healthcare services, risk mitigation, convenience and flexibility, and in many cases, a reduction in overhead costs. However, the use of telehealth is not without its challenges. For example, it is not suited to all forms of healthcare, its implementation and adoption can be time consuming and costly, and additional care must be taken in relation to the transfer of patient health information.

The restrictions of movement in many parts of the world due to COVID-19 has caused governments to recognise the potential of telehealth, and amend laws and regulations seemingly overnight to enable healthcare providers to deploy telehealth solutions. Many governments have adopted telehealth reforms in a matter of weeks, which may otherwise have taken years to be considered and introduced.

Although many of these reforms presently have an expiration date (dependent on the duration of the COVID-19 pandemic), there is likely to be continued growth in telehealth due to the advantages of such a service – even after the pandemic. There are enormous opportunities in the telehealth space for businesses already operating in this field, businesses considering expanding into telehealth, and start-ups.

This Global Guide provides an overview of the current state of telehealth regulations worldwide and assists readers to identify the opportunities, challenges and risks, on a country-by-country basis. As the field of telehealth, and the regulations underpinning it, remain highly dynamic and subject to change, this document is intended as a general guide and does not constitute legal advice. Should you wish to discuss any aspects of telehealth with a specialist lawyer, please contact us below.

Key contacts

**Greg Bodulovic**

Partner

DLA Piper Australia

T +61 2 9286 8218

greg.bodulovic@dlapiper.com[View bio](#)**Marco de Morigio**

Partner

DLA Piper Studio Legale

Tributario Associato

T +39 0 668 8801

marco.demorigio@dlapiper.com[View bio](#)**Stephanie Wang**

Senior Associate

DLA Piper Australia

T +61 2 9286 8205

steph.wang@dlapiper.com[View bio](#)**Eliza Jane Saunders**

Special Counsel

DLA Piper Australia

T +61 3 9274 5291

eliza.saunders@dlapiper.com[View bio](#)



Indonesia

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Is the use of telehealth permitted?

Yes. Telehealth is defined under Article 1 of the Regulation of Minister of Health of the Republic Indonesia Number 20 of 2019 regarding the Organisation of Telemedicine Services through Health Service Facilities, as the provision of long-distance health services by health professionals by utilising information and communication technology, consisting of information exchange on diagnosis, medication, disease and injury prevention, research and evaluation, and sustainable education of health service providers in order to improve individual and public health.

How is telehealth regulated?

Telehealth is regulated under the following regulations:

- Regulation of Minister of Health of the Republic Indonesia Number 20 of 2019 regarding the Organisation of Telemedicine Services through Health Service Facilities;
- Circular Letter of the Minister of Health No. 2 of 2020; and
- Indonesian Doctors Association Regulation No. 74 of 2020.

Are there specific fields of healthcare in relation to which telehealth services are currently available, and do they involve the use of proprietary technology or platforms?

Telemedicine Services shall consist of the following services:

- a. Tele-radiology;
- b. Tele-electrocardiography;
- c. Tele-ultrasonography;
- d. Teleconsultation clinic (a long distance clinical consultancy service to assist in helping diagnosis and / or providing opinion / suggestion on clinical governance). This service may be conducted in writing, voice, and / or video and shall be recorded in a medical record in accordance with the prevailing laws and regulations.

Does the public health system include telehealth services, and if so, are such services free of charge, subsidised or reimbursed? Where the public health system does not include telehealth services, are such services covered by private health insurance?

Based on Article 15 of the Regulation of Minister of Health of the Republic Indonesia Number 20 of 2019 regarding the Organisation of Telemedicine Services through Health Service Facilities:

1. Telemedicine services fees shall be borne by the Consultancy-requesting Fasyankes (i.e. health facility).

2. The amount of Telemedicine Service fees for health insurance programs shall be determined by the Minister.
3. Other than the health insurance program, Fasyankes may determine the amount of Telemedicine Service fee through cooperation between Consultancy-Providing Fasyankes and Consultancy-Requesting Fasyankes.
4. The amount of telemedicine Services fees through agreements shall be in accordance with the fees guidance that is determined by the Minister.

Do specific privacy and/or data protection laws apply to the provision of telehealth services?

Based on Article 2 paragraph 1 of the Minister of Communication and Informatics of the Republic of Indonesia Regulation Number 20 of 2016 on Personal Data Protection In Electronic Systems, Personal Data Protection in Electronic Systems is comprised of protection from the acquisition, collection, processing, analysing, storage, display, announcement, delivery, dissemination and erasure of Personal Data.

The Regulation of the Minister of Health of the Republic of Indonesia Number 269 of 2008 concerning Medical Records, requires that patient data must be stored for period of 10 years from the date the records were made.

Under the Regulation of Minister of Health of the Republic Indonesia Number 20 of 2019 regarding the Organisation of Telemedicine Services through Health Service Facilities, Health Service Facilities must protect the patients' data.

How should the cross-border transfer of personal information collected and processed in the course of telehealth services be carried out to ensure compliance with applicable privacy laws?

Article 22 of the Minister of Communication and Informatics of the Republic of Indonesia Regulation Number 20 of 2016 on Personal Data Protection In Electronic Systems, provides that parties who are going to send personal data outside of Indonesia must:

- Be in coordination with the Ministry or officials / institutions that are authorised to do so; and
- Implement the provisions of laws and regulations on cross-border Personal Data exchange.
- Report the implementation plan for personal data delivery, which at least specifies the explicit name of destination country, the explicit name of the recipient, the date of implementation, and the reason / objective of the delivery;
- Ask for advocacy, if necessary; and
- Report the implementation results of the said activity.

However, please note that until now, the infrastructure at the Ministry of Communications and Information is not ready to handle the coordination. We understand that the Ministry of Communications and Information has not assigned an officer to coordinate the cross border transfer of personal data.

Are there any currently applicable codes of conduct on the use of telehealth systems and/or security of telehealth data in your jurisdiction?

Yes, Indonesian Doctors Association Regulation No. 74 of 2020 and the code of conduct of Indonesian medical code of ethics issued by the Indonesian Doctors Association.

Are any specific laws, regulations, or self-regulatory instruments expected to be adopted in the near future?

No, for now.

Key contacts



Joe Bauerschmidt

Country Managing Partner

DLA Piper Singapore Pte. Ltd.

T +65 6512 6066

joe.bauerschmidt@dlapiper.com

[View bio](#)



Wincen Santoso

Senior Associate

DLA Piper Singapore Pte. Ltd.

T +65 6512 9519

wincen.santoso@dlapiper.com

[View bio](#)

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