

MINISTRY OF COMMUNICATIONS DECREE

NUMBER: KM. 31/2003

REGARDING

**ESTABLISHMENT OF
INDONESIAN TELECOMMUNICATIONS REGULATORY BODY
MINISTRY OF COMMUNICATIONS**

Considering : That in order to guarantee the existence of transparency, independency and fairness in telecommunications operations and as an act of clause 2, Article 4 of the Law No. 36 of 1999 regarding Telecommunications, thereof Indonesian Telecommunication Regulatory Body is necessarily to be established by Ministry of Communications Decree.

Recognizing : 1. Law No. 7 year 1994 (legalization of the *Agreement On Establishment of The World Trade Organization*), (State Gazette Year of 1994 No. 57, Supplement No. 3564);

2. Law No. 36 of 1999 Regarding Telecommunications (State Gazette 1999 No. 164, Supplement No. 3881);

3. Government Regulation No. 52 year 2000 Regarding Telecommunications Operations;

4. Government Regulation No. 53 year 2000 Regarding Use of Radio Frequency Spectrum and Satellite Orbits (State Gazette Year 2000 No. 108, Supplement No. 3981);

5. Presidential Decree No 102 year 2001 Regarding Department Organization Chart which has been replaced with Presidential Decree No 45 of 2002;

6. Presidential Decree No 109 year 2001 Regarding Organization and Echelon I Duty which has been replaced with Presidential Decree No 47 of 2002;

Minister of Communications Decree No 24 year 2001 which has been replaced with Minister of Communications Decree No 91 year 2002.

HAS DECIDED

To stipulate : MINISTER OF COMMUNICATIONS DECREE REGARDING ESTABLISHMENT OF INDONESIAN TELECOMMUNICATONS REGULATORY BODY

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Decree what is meant by:

1. Indonesian Telecommunications Regulatory Body (Badan Regulasi Telekomunikasi Indonesia) hereinafter referred to as BRTI is Directorate General of Post and Telecommunications and Telecommunications Regulatory Committee;
2. Telecommunications Regulatory Committee hereinafter referred to as Committee is a group of eligible persons together with Directorate General of Post and Telecommunications who perform the BRTI tasks;
3. Minister is the Minister whose scope of tasks and responsibilities covers the telecommunications field;
4. Director General is the Director General whose scope and function is in telecommunications;
5. Directorate General is the Directorate General whose scope and function is in telecommunications;

CHAPTER II
PRINCIPLE AND OBJECTIVE

Article 2

Indonesian Telecommunications Regulatory Body is established to guarantee the existence of transparency, independency and fairness in telecommunication network and services operations in the function of regulation, supervision and controlling both in telecommunication network and services operations.

Article 3

Indonesian Telecommunications Regulatory Body is established for the purpose of enhancing the service performance in telecommunication network and services operations.

CHAPTER III

AUTHORITY

Article 4

The Ministry has the obligation in telecommunications administration covering the stipulation of policies, regulation, supervision and control.

Article 5

The Ministry delegates the regulating, supervising and controlling functions to BRTI with regards to the telecommunication network and services operations.

CHAPTER IV

INDONESIAN TELECOMMUNICATIONS REGULATORY BODY

Article 6

In carrying out the function referred to Article 5, the tasks of BRTI are:

- a. Regulation consists of organizing and establishing of network and service telecommunication operations regulation, as follow:
 - 1) Network and service telecommunications operations licensing;
 - 2) Standard operations performance;
 - 3) Standard quality of service;
 - 4) Interconnection Tariff;
 - 5) Standard telecommunications tools and equipment.
- b. Supervision of network and service telecommunication operations, are:
 - 1) Operational performance;
 - 2) Competitive safeguard;
 - 3) Utilization of telecommunications tools and equipment.
- c. Control of network and service telecommunication operations, are:
 - 1) Settlement of dispute between network telecommunications operator and service telecommunications operator;
 - 2) Utilization of telecommunications tools and equipment;
 - 3) Implementation of standard quality of service.

Article 7

Indonesian Telecommunications Regulatory Body in carrying out the duty as referred to Article 6 is independent from the influence of others party's power and/or interests.

Article 8

Regulation of Indonesian Telecommunications Regulatory Body is issued in the form of Directorate General's Decree.

Article 9

Indonesian Telecommunications Regulatory Body reports its tasks performance to the Ministry every 3 (three) months or if necessarily needed.

CHAPTER V

TELECOMMUNICATIONS REGULATORY COMMITTEE

Article 10

The Committee consist of 5 (five) members whereas 1 (one) of the Committee Members also act as the Committee Chairman.

Article 11

- 1) Director General is the Committee Chairman
- 2) The Committee Members period of duty (excluded the Chairman) is 2 (two) years and can be elected again for 1 (one) period of duty.

Article 12

The Committee Member is elected and terminated by Ministerial Decree.

Article 13

- 1) The Committee Member has to be eligible to these following terms:
 - a. Indonesian citizenship;
 - b. Max. 65 years old at the first election;
 - c. In good health condition;
 - d. Professional experts in Information Technology, Economic, Law or other Social major;
 - e. A none direct or indirect stockholder of any telecommunication network or services operators;
 - f. Not served concurrently either as Director, Commissioner or staff in any telecommunication network or services operators;
 - g. A none active member of any political party or Indonesian Army.

- 2) The Committee period of duty is end due to:
 - a. Passed away;
 - b. Requesting for a resignation;
 - c. Infected by such illness which cause the disability of performing tasks given, stated by authorized institution;
 - d. Under the first stage court punishment;
 - e. Domiciled outside Indonesian territory;
 - f. End of their period of duty.

Article 14

- 1) Each of Committee Decisions is implemented collegially.
- 2) In case no consensus reached, voting is taken by with equal voting rights

Article 15

Each of the Committee Agreements must be:

- a. Trough such process that concerns to all society's input as for their opinion and others developed view.
- b. Guarantee the transparency, independency and sense of fairness.

Article 16

For the purpose of administrative assistance, the Committee can be supported by Secretariat.

CHAPTER VI

CLOSING PROVISIONS

Article 17

With the coming into effect of this Decree, all under or equal Law of this Decree regards to telecommunications network and services operations is declared to be valid unless consists of contradiction or has not been substitute within this Decree.

Article 18

This Decree is effective on the stipulation date.

Stipulated in : Jakarta
On the date of : July 11, 2003

MINISTER OF COMMUNICATIONS
Signed

AGUM GUMELAR, M Sc.