

**DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION
TECHNOLOGY OF THE REPUBLIC OF INDONESIA**

NUMBER : 22/PER/M.KOMINFO/11/2011

ON

**PROVISION OF TERRESTRIAL DIGITAL TELEVISION BROADCASTING OF FREE
TO AIR FIXED RECEPTION**

BY THE GRACE OF GOD THE ALMIGHTY

MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,

- Considering:
- a. that the technological development of terrestrial television broadcasting in the world at present shifts from analog broadcasting technology to digital broadcasting technology;
 - b. that the policy direction of the current broadcasting provision must take cognizance of technological development towards the digital broadcasting technology that may use one (1) radio frequency canal to channel a number of broadcasting programs;
 - c. that within the framework of overcoming the problems of not responding to the application for using radio frequency canal for free to air fixed reception of terrestrial television broadcasting due to limited number of radio frequency spectrum, migration of analog broadcasting to digital broadcasting need to be implemented gradually;
 - d. that the migration from analog broadcasting to digital broadcasting is not only as a form of technological development but also as a means to improve efficiency of the structure of broadcasting industry oriented to the enhancement of business, economic social and cultural opportunity of the society;
 - e. that based on considerations mentioned in points a, b, c, and d, and also taking into account the provision of Article 2 paragraph (3) of the Government Regulation of the Republic of Indonesia Number 50 Year 2005 on

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Broadcasting Provision of Private Broadcasting Institution, it is considered necessary to ratify a Decree of the Minister of Communication and Information Technology on Provision of Terrestrial Digital Television Broadcasting of Free To Air Fixed Reception .

- Bearing in mind:
1. Law of the Republic of Indonesia Number 36 Year 1999 on Telecommunication (State Gazette of the Republic of Indonesia Number 154 Year 1999, Additional State Gazette of the Republic of Indonesia Number 3881);
 2. Law of the Republic of Indonesia Number 32 Year 2002 on Broadcasting (State Gazette of the Republic of Indonesia Number 139 Year 2002, Additional State Gazette of the Republic of Indonesia Number 4252);
 3. Government Regulation of the Republic of Indonesia Number 52 Year 2000 on Provision of Telecommunication (State Gazette of the Republic of Indonesia Number 107 Year 2000, Additional State Gazette of the Republic of Indonesia Number 3980);
 4. Government Regulation of the Republic of Indonesia Number 53 Year 2000 on Use of Radio Frequency Spectrum and Satellite Orbit (State Gazette of the Republic of Indonesia Number 108 Year 2000, Additional State Gazette of the Republic of Indonesia Number 3981);
 5. Government Regulation of the Republic of Indonesia Number 11 Year 2005 on Broadcasting Provision of Public Broadcasting Institution (State Gazette of the Republic of Indonesia Number 28 Year 2005, Additional State Gazette of the Republic of Indonesia Number 4485);
 6. Government Regulation of the Republic of Indonesia Number 50 Year 2005 on Broadcasting Provision of Private Broadcasting Institution (State Gazette of the Republic of Indonesia Number 127 Year 2005, Additional State Gazette of the Republic of Indonesia Number 4566);
 7. Government Regulation of the Republic of Indonesia Number 7 Year 2009 on Kinds and Tariffs of Non-Tax State Income Applicable at the Department of Communication and Information

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Technology as amended by the Government Regulation of the Republic of Indonesia Number 76 Year 2010 on Amendment to the Government Regulation of the Republic of Indonesia Number 7 Year 2009 (State Gazette of the Republic of Indonesia Number 20 Year 2009, Additional State Gazette of the Republic of Indonesia Number 4974);

8. Decree of the President of the Republic of Indonesia Number 24 Year 2010 on Positions, Duties, and Functions, of State Ministries of the Republic of Indonesia and Organizational Structure, Duties and Functions of Echelon I of State Ministries of the Republic of Indonesia as amended by the Decree of the President of the Republic of Indonesia Number 67 Year 2010 on Amendment to the Decree of the President of the Republic of Indonesia Number 24 Year 2010;
9. Decree of the President of the Republic of Indonesia Number 36 Year 2010 on List of Closed Businesses and Open Businesses with Requirements in the Field of Capital Investment;
10. Decree of the Minister of Communication and Information Technology of the Republic of Indonesia Number 07/P/M.KOMINFO/3/2007 on Terrestrial Digital Broadcasting Standard for Immobile Television in Indonesia;
11. Decree of the Minister of Communication and Information Technology of the Republic of Indonesia Number 27/P/M.KOMINFO/8/2008 on Field Try out of the Digital Television Broadcasting Provision;
12. Decree of the Minister of Communication and Information Technology of the Republic of Indonesia of the Republic of Indonesia Number 01/PER/M.KOMINFO/01/2010 on Telecommunication Network Provision;.
13. Decree of the Minister of Communication and Information Technology of the Republic of Indonesia Number 17/PER/M.KOMINFO/10/2010 on Organization and Work Method of the Ministry of Communication and Information Technology,.

DECIDES :

**To ratify: DECREE OF THE MINISTER OF COMMUNICATION AND
INFORMATION TECHNOLOGY ON PROVISION OF
TERRESTRIAL DIGITAL TELEVISION BROADCASTING OF FREE
TO AIR FIXED RECEPTION**

CHAPTER I**GENERAL PROVISIONS**

Article 1

In this Ministerial Decree, what is meant by:

1. Broadcast is a message or a chain of messages in the form of voice, image, or voice and image or anything in the form of graphics, characters, either interactive or not, that can be received through broadcast reception equipment.
2. Broadcasting is an activity of wide emission of broadcast through emission means and/or transmission means in land, sea or space using radio frequency spectrum through air, cable, and/or other media to be received simultaneously and at the same time by the community using broadcast reception equipment.
3. Free to Air Fixed Reception of Terrestrial Digital Television Broadcasting is broadcasting using digital technology transmitted terrestrially and received by fixed reception equipment.
4. Channel is radio frequency canal forming part of radio frequency band assigned for a radio station which consists therein of a number of broadcast channels.
5. Broadcast channel is a slot for one (1) broadcast program.
6. Broadcast program is a broadcast composed continuously and scheduled.

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7. Multiplexing broadcasting is a broadcasting with a transmission of two (2) or more programs in one (1) channel at the same time.
8. *Simulcast* or simultaneous broadcasting is the provision of emitting analog television broadcast and digital television broadcast at the same time.
9. Broadcast service area is a service area of reception in accordance with the license given for the provision of broadcasting.
10. Service zone is a combination of a number of broadcast service areas in one area
11. *Analog Switch-Off (ASO)* is a period where the provision of analog broadcast service is switched off and replaced by digital broadcast service.
12. Minister is the Minister who scope of duties and responsibilities is in the field of communication and information technology.

CHAPTER II

OBJECTIVE

Article 2

- (1) The provision of terrestrial digital television broadcasting of free to air fixed reception has the objective to:
 - a. increase the quality of television broadcast program reception;
 - b. provide more choices of the broadcast program to the community;
 - c. accelerate the development of healthy television media in Indonesia;
 - d. grow content industry, software, and hardware related to terrestrial digital television broadcasting of free to air fixed reception; and
 - e. improve efficiency of utilization of radio frequency spectrum for broadcasting provision.

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- (2) To achieve the objective referred to in paragraph (1), the Minister determines the allocation of radio frequency spectrum for the need of terrestrial digital television broadcasting provision of free to air fixed reception.
- (3) The allocation of radio frequency spectrum referred to in paragraph (2) does not diminish the rights of the community to obtain information and the rights of broadcasting institutions to carry out broadcasting activity.

CHAPTER III

PROVISION

Part One Institutional Providers

Article 3

The institutional providers of terrestrial digital television broadcasting of free to air fixed reception consist of:

- a. Broadcasting Institutions of Broadcast Program Providers hereinafter called LPPPS namely institutions that manage broadcast programs to be emitted widely to the community in a broadcast service area through broadcast channel or a slot in the radio frequency canal
- b. Broadcasting institutions of Multiplexing Broadcasting Providers hereinafter called LPPPM namely institutions that channel a number of broadcast programs through a multiplex equipment and transmission equipment to the community in a service zone.

Part Two Broadcasting Institutions of Broadcast Program Providers

Article 4

- (1) LPPPS referred to in Article 3 point a, among other things, are:

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- a. TVRI Public Broadcasting Institution or Local Public Broadcasting Institutions;
 - b. Private Broadcasting Institutions; and
 - c. Community Broadcasting Institutions.
- (2) To emit their broadcast programs, Local Public Broadcasting Institutions and Community Broadcasting Institutions must cooperate with TVRI Public Broadcasting Institution that provides multiplexing broadcasting in the use of broadcast channel or slot in the radio frequency canal defined by the Minister.
- (3) To emit their broadcast programs, Private Broadcasting Institutions cooperate with Private Broadcasting Institutions that provide multiplexing broadcasting in the use of broadcast channel or slot in the radio frequency canal defined by the Minister.

Part Three

Broadcasting Institutions of Multiplexing Broadcasting Providers

Article 5

- (1) LPPPM referred to in Article 3 point b are implemented by:
- a. TVRI Public Broadcasting Institution; and
 - b. Private Broadcasting Institutions.
- (2) LPPPM shall:
- a. own license for the use of radio frequency spectrum and pay a license fee for radio frequency spectrum usage in accordance with the prevailing regulation;
 - b. comply with the development commitment of multiplexing broadcasting system covering the whole service area in their service zone;
 - c. provide multiplex equipment system, transmitter system, network system and supporting means and infrastructure for other broadcasting;
 - d. use tools and equipment that have fulfilled the technical requirements in accordance with the prevailing regulations;
 - e. prevent the occurrence of radio frequency usage interference in the same service area and (adjacent service area);
 - f. provide a system and supporting technical equipment for the Early Warning Disaster System.

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- (3) LPPPM may only channel broadcasting program of Broadcasting Institutions located in the service zone in line with the attachment of this Ministerial Decree, which is an inseparable part of this Decree.
- (4) LPPPM may provide their services in more than one (1) service zones in line with the attachment of this Ministerial Decree, which is an inseparable part of this Decree.
- (5) LPPPM shall give priority of using equipment of domestic product.
- (6) To improve the quality of broadcast reception in service area located within their service zone, LPPPM must use *Single Frequency Network* (SFN) method in line with the radio frequency allocation in each broadcast service area.

Article 6

- (1) TVRI Public Broadcasting Institution which provides multiplexing broadcasting in allocating the capacity of its channel shall:
 - a. channel broadcast program of its institution, Provider of Local Public Broadcasting Institution, and/or Community Broadcasting Institution situated in its service zone; and
 - b. channel broadcast program of Community Broadcasting Institution at least one (1) broadcast channel.
- (2) Private Broadcasting Institution that provides multiplexing broadcasting, in allocating the whole capacity of its channel, shall channel one (1) broadcast program of its institution and some broadcast programs of other Private Broadcasting Institutions located in its service zone.

Article 7

- (1) The Minister determines the limit of the hiring rate of broadcast channel of multiplexing broadcasting provision.
- (2) Further provision regarding the limit of the hiring rate of broadcast channel referred to in paragraph (1) is regulated in the Ministerial Decree.

**Part Four
Service Area and Zone Area**

Article 8

- (1) The area of the provision of broadcast program is the service area.
- (2) The area of the provision of multiplexing broadcasting is the service zone.
- (3) Further provision regarding the service area referred to in paragraph (1) is stipulated in the Ministerial Decree which regulates the master plan of radio frequency for the need of terrestrial digital broadcast television at UHF frequency band.
- (4) Further provision regarding the service zone referred to in paragraph (2) is indicated in the attachment of this Ministerial Decree which forms an inseparable part of this Decree.

CHAPTER IV

PROCEDURE AND REQUIREMENTS OF LICENSING

**Part One
Broadcasting Institution of Broadcast Program Provider**

Article 9

- (1) In implementing the broadcast program provision, LPPPS must obtain a license for broadcasting provision from the Minister.
- (2) The license referred to in paragraph (1) follows the provision of the legal regulations regarding the procedure and requirements of broadcasting provision licensing.

**Part Two
Broadcasting Institution of Multiplexing Broadcasting Provider**

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Article 10

- (1) In implementing multiplexing broadcasting provision, LPPPM must obtain decision from the Minister.
- (2) To obtain the decision referred to in paragraph (1), LPPPM must submit a written application to the Minister.
- (3) The decision referred to in paragraph (1) is granted after complying with the following requirements:
 - a. own a License as Broadcasting Provider;
 - b. own a business plan for multiplexing broadcasting provision;
 - c. provide a commitment for the development of multiplexing broadcasting system;
 - d. does not have a cross ownership with other Private Broadcasting Institution that carries out multiplexing broadcasting provision in the same service zone;
 - e. own human resources and existing appropriate infrastructure;
 - f. own a plan for presentation of digital infrastructure; and
 - g. provide a declaration letter in the form of service level agreement/SLA, treatment, and the same opportunity to Broadcasting Institutions that provide broadcast programs.
- (4) In the event that the number of Broadcasting Institutions submitting applications referred to in paragraph (2) exceeds the available radio frequency canals in a service zone, a selection will be held.
- (5) Further provision regarding paragraphs (3) and (4) will be regulated in a Ministerial Decree.

Article 11

The Minister designates TVRI Public Broadcasting Institution as LPPPM applicable nationally without going through the process of selection using one (1) radio frequency canal in each service area.

CHAPTER V

USE OF DOMESTIC COMPONENTS

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Article 12

- (1) The level of local/domestic content (TKDN) of auxiliary tools for reception of digital broadcast television (*set-top-box*) traded in the territory of the Republic of Indonesia must at least be twenty percent (20 %) and gradually increased to at least become fifty percent (50%) within the period of five (5) years.
- (2) The auxiliary tools for reception of digital television broadcast (*set-top-box*) and reception equipment for digital television shall have menu feature of Bahasa Indonesia (Indonesian language) and early warning natural disaster feature and may be equipped with data service and *rating* measurement means of television broadcast agenda.
- (3) The auxiliary tools for reception of digital television broadcast (*set-top-box*) and reception equipment for digital television made, assembled, traded, operated and imported into the territory of the Republic of Indonesia for the purpose of broadcasting shall follow the technical requirements regulated in the prevailing regulation.

Article 13

The television equipment that has been integrated with the auxiliary tools for reception of digital broadcast shall use the label of *digitally ready*.

CHAPTER VI**BROADCASTING IMPLEMENTATION****Part One****Implementation of Terrestrial Digital TV Broadcasting**

Article 14

- (1) The implementation of multiplexing broadcasting provision will commence at the latest in the year 2012.
- (2) The multiplexing broadcasting provision referred to in paragraph (1) will be implemented gradually as stipulated in the Attachment of this Ministerial Decree, which is an inseparable part of this Decree.

- (3) The implementation of multiplexing broadcasting provision in each service zone will be commenced by executing broadcasting in a simulcast manner up to the time of *Analog Switch Off* (ASO) as stipulated in the Attachment of this Ministerial Decree.
- (4) Before the implementation of simulcast, the Minister will designate Broadcasting Institution which implements multiplexing broadcasting provision at radio frequency canal made available through Ministerial Decision.
- (5) TVRI Public Broadcasting Institution, Local Public Broadcasting Institution, Private Broadcasting Institution, and Community Broadcasting Institution ,that have obtained the License for Broadcasting Provision instantly implement the provision of broadcast program.
- (6) Broadcasting Institutions that have provided analog television broadcasting before the issuance of this Ministerial Decree, but do not fulfil the requirements for implementing multiplexing broadcasting provision referred to in Article 10, will become Broadcasting Institutions that implement only broadcast program provision.
- (7) Adjustment of all the Licenses for Broadcasting Provision owned by broadcasting institutions before the defining of this Ministerial Decree will be done after *Analog Switch Off*.
- (8) The *Analog Switch Off* is implemented at the latest until the end of the year 2017.

Part Two Implementation of Simulcast

Article 15

In order for the community to have enough transition time to own auxiliary tools for the reception of digital broadcast, *simulcast* broadcasting is implemented.

Article 16

During the period of *simulcast* broadcasting, Broadcasting Institutions that have provided broadcast programs must display community service advertisement which explains the migration process of analog television broadcasting system to digital television broadcasting system at least every two (2) hours.

Article 17

Broadcasting Institutions that provide multiplexing broadcasting may accelerate the implementation of *multicast* within less time than what is determined in the Attachment of this Ministerial Decree.

Part Three On-going Licensing

Article 18

- (1) Application for a license for Broadcasting Provision of analog television broadcasting received by the Minister after the issuance of this Ministerial Decree will be processed as submission of application for a license for implementing the provision of broadcast program after the Broadcasting Institution that provides multiplexing broadcasting operates in its service area.
- (2) Broadcasting Institution that owns a License for Broadcasting Provision after the ratification of the Decree of the Minister of Communication and Information Technology Number 39/PER/M.KOMINFO/10/2009 on Basic Framework of the Provision of Terrestrial Digital Television Broadcasting of Free to Air Fixed Reception, shall perform migration to digital television broadcasting at the latest one (1) year after the Broadcasting Institution that provides multiplexing broadcasting operates in its service area.
- (3) Broadcasting Institution that owns a License for Broadcasting Provision using radio frequency canal allocated not for its service area shall perform migration to digital television broadcasting at the latest one (1) year after Broadcasting Institution that provides multiplexing broadcasting operates in its service area.
- (4) Applicant for the License for Broadcasting Provision of analog television that has complied with the requirements and frequency

canal is available in accordance with the provision of regulation before the defining of this regulation, may be given IPP with the provision that the applicant shall perform migration to digital television broadcasting at the latest one (1) year after the Broadcasting Institution that provides multiplexing broadcasting operates in his service area.

CHAPTER VII

EVALUATION AND SUPERVISION OF DIGITAL TV BROADCAST PROVISION

Article 19

- (1) The Minister undertakes supervision and evaluation wholly towards the provision of terrestrial digital television broadcasting of immobile fixed reception.
- (2) The Minister establishes a Team to carry out supervision and evaluation referred to in paragraph (1).

CHAPTER VIII

ADMINISTRATIVE SANCTIONS

Article 20

- (1) The Minister may impose administrative sanctions to Broadcasting Institution that violates Article 5 paragraph (2), Article 5 paragraph (5), Article 6 paragraph (1), Article 6 paragraph (2), Article 9 paragraph (1), Article 10 paragraph (1), Article 18 paragraph (2), Article 18 paragraph (3), Article 18 paragraph (4).
- (2) Administrative sanctions referred to in paragraph (1) above may be in the form of:
 - a. Appeal;
 - b. Written Warning;
 - c. Temporary suspension;
 - d. Revocation.

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- (3) Further provision regarding the procedure of imposing sanctions referred to in paragraphs (1) and (2) above will be regulated in a separate Ministerial Decree.

CHAPTER IX

FINAL PROVISIONS

Article 21

This Ministerial Decree shall come into force on the date of its ratification.

Article 22

By the coming into force of this Ministerial Decree, the Ministerial Decree Number 39/PER/M.KOMINFO/10/2009 on Basic Framework of the Provision of Terrestrial Digital Television Broadcasting of Free to Air Fixed Reception is abrogated and no more valid.

In order to make known to every body, instruct the promulgation of this Ministerial Decree by placing it in the State Announcement of the Republic of Indonesia.

Done at: JAKARTA
On : November 22, 2011

MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,

Signed

TIFATUL SEMBIRING

Promulgated at: Jakarta
On : November 23, 2011

MINISTER OF LAW AND HUMAN RIGHTS

Signed

AMIR SYAMSUDDIN

**STATE ANNOUNCEMENT OF THE REPUBLIC OF INDONESIA YEAR 2011
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For copy conform to the original

Head of Bureau of Legal Affairs
Ministry of Communication and Information Technology,

Signed

D. Susilo Hartono