

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

NUMBER : 28/P/M.KOMINFO/09/2008

ON

**PROCEDURE AND REQUIREMENTS FOR LICENSING THE PROVISION OF
BROADCASTING**

BY THE GRACE OF GOD THE ALMIGHTY

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

Considering: a. that in order to implement the provision of Article 10 paragraph (11) of the Government Regulation of the Republic of Indonesia Number 11 Year 2005 on Provision of Broadcasting by Public Broadcasting Institution jo Article 3 paragraph (2), Article 7 paragraph (11), and Article 11 paragraph (7) of the Government Regulation of the Republic of Indonesia Number 50 Year 2005 on Provision of Broadcasting by Private Broadcasting Institution jo. Article 7, Article 11 paragraph (10), Article 15 paragraph (7) of the Government Regulation of the Republic of Indonesia Number 51 Year 2005 on the Provision of Broadcasting by Community Broadcasting Institution jo. Article 3 paragraph (2), Article 7 paragraph (11), and Article 11 paragraph (7) of the Government Regulation of the Republic of Indonesia Number 52 Year 2005 on Provision of Broadcasting of Subscriber Broadcasting Institution, it is considered necessary to ratify a Decree of the Minister of Communication and Information Technology of the Republic of Indonesia on Procedure and Requirements for Licensing the Provision of Broadcasting.

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

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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 Provision of Broadcasting by Local 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 Provision of Broadcasting by 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 51 Year 2005 on Provision of Broadcasting by Community Broadcasting Institution (State Gazette of the Republic of Indonesia Number 128 Year 2005, Additional State Gazette of the Republic of Indonesia Number 4567);
8. Government Regulation of the Republic of Indonesia Number 52 Year 2005 on Provision of Broadcasting by Subscriber Broadcasting Institution (State Gazette of the Republic of Indonesia Number 129 Year 2005, Additional State Gazette of the Republic of Indonesia Number 4568);
9. Decree of the President of the Republic of Indonesia Number 9 Year 2005 on Positions, Tasks, Functions Organizational Structure and Working of State Ministries of the Republic of Indonesia;
10. Decree of the President of the Republic of Indonesia Number 10 Year 2005 on Organizational Units and

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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 15 Year 2005;

11. Decision of the President of the Republic of Indonesia Number 31/P Year 2007 on Appointment of State Ministers and United Indonesia Cabinet;

12. Decree of the Minister of Communication and Information Technology Number 25/P/M.KOMINFO/7/2008 on Organization and Working of the Department of Communication and Information Technology.

DECIDES

To ratify : **DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON PROCEDURE AND REQUIREMENTS FOR LICENSING THE PROVISION OF BROADCASTING**

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Decree, what is meant by :

1. Broadcast is a message or a chain of messages in the form of voices, images, or voices and images or in the form of graphs, characters, either interactive or non interactive in nature, that can be received through broadcast receiving device.
2. Broadcasting is an activity of widespread transmission of broadcast through transmission 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 general public using broadcast receiving device.
3. Radio frequency spectrum is an electromagnetic wave used for broadcast and spread in the air and in space

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without any artificial conductor, forming a public domain and limited natural resources.

4. Broadcasting institution is a provider of broadcasting, either public broadcasting institution, private broadcasting institution, community broadcasting institution, or subscriber broadcasting institution which, in performing their tasks, functions, and responsibilities, shall be directed by the prevailing regulations.
5. The public broadcasting institution hereinafter called LPP is a broadcasting institution in the form of a legal body established by the State, which is independent, neutral, non-commercial in nature, and has the function of providing service for the interest of the general public.
6. A local public broadcasting institution hereinafter called LPP Lokal is a broadcasting institution in the form of a legal body established by the Regional Government, providing an activity of radio broadcast or television broadcast, which is independent, neutral, non commercial in nature, and has the function of providing service for the interest of the community, the broadcasting of which has a networking with Radio Republic of Indonesia (RRI) for radio broadcast and with Television Republic of Indonesia (TVRI) for television broadcast.
7. Private broadcasting institution hereinafter called LPS ia a commercial broadcasting institution established in the form of a legal body of Indonesia whose business is solely in the provision of radio or television broadcasting service.
8. Community broadcasting institution hereinafter called LPK is a radio or television broadcasting institution in the form of a legal body of Indonesia, established by a certain community, which is independent and non commercial in nature, with low power transmission, limited expansion and serves the interest of that certain community.
9. Subscriber broadcasting institution hereinafter called LPB is a commercial broadcasting institution in the form of a legal body of Indonesia whose business is solely in the provision of radio or television broadcasting service.
10. A mutual meeting forum hereinafter called FRB is a coordinating body between the Indonesian Broadcasting

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Commission and the Government at the Central Government Level which has the authority to decide whether to accept or to refuse an application and prolongation of a license for the Provision of Broadcasting.

11. Applicant is a citizen and/or a legal body of Indonesia that submits application for a license for the Provision of Broadcasting.
12. Selection is a filter for users of radio frequency spectrum for the provision of broadcasting through comparative evaluation method.
13. A selection object is radio frequency canal for the provision of broadcasting in a certain area of broadcasting service.
14. A comparative evaluation is the process of filtering of users of radio frequency spectrum for the provision of broadcasting based on comparison towards a chain of indicators/criteria.
15. A pact of integrity is a declaration letter containing a pledge to avoid and not to perform corrupted collusion and nepotism in undertaking the selection.
16. A license in principle for the Provision of Broadcasting is a right granted by the State to a Broadcasting Institution to conduct a trial broadcast in line with the Explanatory Note of the Government Regulation of the Republic of Indonesian on Broadcasting.
17. The license for the Provision of Broadcasting hereinafter called IPP is the right granted by the State to a Broadcasting Institution to provide broadcasting, which in the Government Regulation of the Republic of Indonesia is also termed as Permanent License for Broadcasting Provision.
18. A transmitter station is a location for transmission equipment of broadcasting which has the function of widespread transmission of radio or television broadcast.
19. A broadcast service area is a receiving service area in accordance with the license granted, which in said area, there is a guarantee that the signal can be well and clearly

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received and free from disturbances or interference of other radio frequency signal.

20. A Radio Frequency Allocation is the incorporation of a certain frequency band in the Frequency Allocation Table for use by one (1) or more Terrestrial Radio Communication Services, Space Radio Communication Services, or by Astronomy Radio Communication Services based on certain requirements.
21. A Frequency Use and Allocation is frequency band for the purpose of providing broadcasting which covers AM band (526.5-1606.5 KHz), FM band (87.5-108.0 MHz), VHP band (174-230 MHz), and UHF band (478-806 MHz)..
22. A frequency canal is part of radio frequency band determined for a radio station.
23. Minister is the Minister whose scope of work and responsibilities is in the field of communication and information technology.
24. The Indonesian Broadcasting Commission hereinafter called KPI is an independent state institution existing in the Central Government and in the Regional Government, as a testimony of community participation in the field of broadcasting, whose tasks and authorities are regulated in Law of the Republic of Indonesia Number 32 Year 2002 on Broadcasting.
25. The Regional Government is a Regional Government Institution at provincial, districts/municipalities levels whose scope of tasks and responsibilities is in the field of communication and information technology.

CHAPTER II

REQUIREMENTS FOR ESTABLISHMENT AND LICENSING

Part One

Requirements for the Establishment and Licensing of LPP

Article 2

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- (1) LPP consists of :
 - a. LPPRRI (Radio Republic of Indonesia Public Broadcasting Institution);
 - b. LPPTVRI (Television Republic of Indonesia Public Broadcasting Institution); and
 - c. LPP Lokal (Local Public Broadcasting Institution).
- (2) Local LPP as referred to in paragraph (1) point c consists of:
 - a. Local Radio LPP;
 - b. Local Television LPP

Paragraph 1 Requirements for the Establishment of LPP

Article 3

- (1) RRI and TVRI are broadcasting institutions established and designated as LPP in accordance with the Law of the Republic of Indonesia Number 32 Year 2002 on Broadcasting.
- (2) RRI and TVRI obtain IPP (License for the Provision of Broadcasting) applicable for the central station and all branch stations by reporting in writing on their existence to the Minister.
- (3) For the development of their networks, RRI and TVRI shall submit a written application on frequency use to the Minister.

Article 4

- (1) The establishment of Local LPP must fulfil the following requirements:
 - a. In the form of legal body established by the Regional Government with the consent of Regional People's

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Representative Council based on the community's proposal;

- b. There is no RRI and/or TVRI broadcasting station yet in the concerned area of broadcasting service;
 - c. Availability of location or frequency canal in line with the written declaration on the availability of frequency allocation from the Director General of Post and Telecommunication;
 - d. Availability of professional Human Resources and other resources so that the Local LPP is capable of performing radio broadcasting for at least twelve (12) hours per day and three (3) hours per day for television broadcasting with proportionate broadcasting material; and
 - e. The broadcasting operation may be provided continually.
- (2) The community's proposal referred to in paragraph (1) point a is a written proposal from individual, group, and/or people's organization addressed to the Governor/district chief/mayor of municipality.

Paragraph 2 Requirements for the Licensing of LPP

Article 5

In submitting the application for licensing, the Local LPP must fulfil the requirements for administration, broadcasting programme, and technical data for broadcasting by filling in a form as indicated in Attachment 1A or Attachment 1B of this Ministerial Decree.

Part Two Requirements for the Establishment and Licensing of LPS

Paragraph 1 Requirements for the Establishment of LPS

Article 6

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- (1) The establishment of LPS must fulfil the following requirements:
 - a. established by an Indonesian citizen;
 - b. established in the form of legal body of Indonesia as Limited Company obtaining legalization from the Minister of Law and Human Rights;
 - c. its business is solely providing radio or television broadcasting service as mentioned in the Deed of Establishment furnished with the License of Business Domicile (SITU) and Business Registration Identity (TDP);
 - d. SITU and TDP referred to in point c may be completed later before the issuance of License in Principle for Broadcasting Provision; and
 - e. The whole initial capital of its business is owned by the Indonesian citizen and/or legal body of Indonesia whose shares are owned wholly by the Indonesian citizen.
- (2) Capitalization referred to in paragraph (1) point e will further be stipulated in a separate regulation.

Paragraph 2 Requirements for the Licensing of LPS

Article 7

In submitting the application for licensing, the LPS must fulfil the requirements for administration, broadcasting programme, and technical data for broadcasting by filling in a form as indicated in Attachment 2A or Attachment 2B of this Ministerial Decree

Part Three Requirements for the Establishment and Licensing of LPK

Paragraph 1 Requirements for the Establishment of LPK

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Article 8

- (1) LPK is established with the following requirements:
 - a. by Indonesian citizen;
 - b. in the form of cooperative legal body or association legalized by the authorized agency;
 - c. a non-partisan Broadcasting Institution the existence of its organization:
 1. does not represent a foreign organization or institution and is not an international community;
 2. having nothing to do with prohibited organization;
 3. is not for the interest of propaganda for certain group or circle.
 - d. Its activity is solely providing community broadcasting as stipulated in the Deed of Establishment;
 - e. the whole management personnel are citizens of the Republic of Indonesia; and
 - f. the whole initial capital of its business comes from community members.
- (2) For a sparsely populated region based on the criteria defined by the authorized agency, LPK is established with a written approval of at least fifty-one (51) per cent of adult population domiciled at a radius of two and a half (2.5) km from the planned LPK radio station, proved by personal identities and/or for certain community group proved by the identity of the community members.
- (3) For a densely populated region based on the criteria defined by the authorized agency, LPK is established with a written approval of at least two hundred and fifty (250) adult population domiciled at a radius of two and a half (2.5) km from the planned station.
- (4) The requirements referred to in paragraphs (2) and (3) are confirmed by a written approval of the Government agency at a level of local village Head.

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Article 9

- (1) The LPK broadcasting radius is limited to maximum two and a half (2.5) km from the location of transmitter or with Effective Radiated Power (ERP) maximum fifty (50) watt.
- (2) Within the LPK broadcasting radius referred to in paragraph (1), one can establish only :
 - a. one (1) LPK Radio station;
 - b. one (1) LPK Television station; or
 - c. one (1) LPK Radio station and one (1) LPK Television station.

Article 10

In the case of vast geographical area with sparse population and community need, LPK may be established with broadcasting service area more than the radius of two and a half (2.5) km from the location of the transmitter or with ERP more than fifty (50) watt as determined in a separate decision.

Paragraph 2 Requirements for the Licensing of LPK

Article 11

In submitting the application for licensing, LPK must fulfil the requirements for administration, broadcasting programme, and technical data for broadcasting by filling in a form as indicated in Attachment 3A or Attachment 3B of this Ministerial Decree.

Part Four Requirements for the Establishment and Licensing of LPB

Paragraph 1 Requirements for the Establishment of LPB

Article 12

- (5) LPB is established with the following requirements:
 - a. by Indonesian citizen;

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- b. in the form of legal body of Limited Company;
- c. its business is solely providing subscriber broadcasting service; and
- d. the whole initial capital of its business is owned by the Indonesian citizen and/or legal body of Indonesia whose shares are owned wholly by the Indonesian citizen.

Paragraph 2
Requirements for the Licensing of LPB

Article 13

In submitting the application for licensing, LPB must fulfil the requirements for administration, broadcasting programme, and technical data for broadcasting by filling in a form as indicated in Attachment 4 of this Ministerial Decree.

CHAPTER III

PROCEDURE FOR LICENSING

Article 14

In providing broadcasting, the Broadcasting Institution shall obtain IPP from the Minister.

Article 15

- (1) The Minister announces openly through printed media and/or electronic means the opportunity for the provision of LPS and LPB broadcasting through terrestrial means periodically once in every five (5) years for radio broadcasting service and once in every ten (10) years for television broadcasting service.
- (2) The opportunity for the provision of broadcasting may be opened outside the period mentioned in paragraph (1) based on economic aspect consideration or technological development.

- (3) The announcement referred to in paragraph (1) covers among other things:
- a. area of broadcasting service;
 - b. period of submission of application; and
 - c. number of frequency canals

Article 16

- (1) IPP application for LPS and LPB through terrestrial means is submitted after the announcement of the opportunity for the provision of broadcasting from the Minister as referred to in Article 15.
- (2) The IPP application as stated in paragraph (1) is submitted in writing to the Minister through KPI within the period determined in the announcement.
- (3) The period of submission of IPP application as stated in paragraph (2) may be extended by paying attention to input from KPI.
- (4) IPP applications for LPB through satellite and cable, Local LPP, and LPK are submitted to the Minister through KPI without any announcement of the opportunity for the provision of broadcasting from the Minister.
- (5) The applications referred to in paragraphs (2) and (4) are made in two (2) folds one each for KPI file and one copy each is directed to the Minister after having been registered by KPI.

Article 17

- (1) KPI examines the completeness of the broadcast programme requirements and the Minister examines the completeness of the administrative and technical data of broadcasting requirements.
- (2) KPI undertakes the examination of the completeness of the broadcast programme requirements on the basis of the Guide for Broadcasting Behaviour and Broadcast Programme Standard determined by KPI for the maximum period of one (1) month.

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- (3) The Minister in undertaking the examination of the completeness of the administrative and technical data of broadcasting requirements may be assisted by the Regional Government whose scope of tasks and responsibilities is in the field of communication and information technology within the maximum period of one (1) month.
- (4) The period of examination of the completeness of the requirements referred to in paragraphs (2) and (3) may be extended.
- (5) KPI carries out Hearing Evaluation (EDP) after the applicant completes the requirements for administration, broadcast programme, and technical data of broadcasting within the period pursuant to the schedule fixed by KPI by paying attention to the prevailing provision.
- (6) The procedure for implementing the EDP as stated in paragraph (5) is in accordance with the provision drawn up by KPI.
- (7) KPI informs the Minister in writing about the applicant who is declared not feasible to provide broadcasting by enclosing the result of evaluation conducted by KPI.
- (8) KPI publishes Recommendation on Feasibility of Broadcasting Provision to applicants that fulfil the requirements and declared feasible.
- (9) The Recommendation on the Feasibility of Broadcasting Provision as stated in paragraph (8) contains at least:
 - a. the name of the broadcasting institution, office address and transmitter station, and call sign in the air;
 - b. proposal and use of radio frequency spectrum for Local LPP, LPS, LPK, and LPB through terrestrial means;
 - c. area of broadcast service in accordance with Frequency Masterplan; and
 - d. broadcasting provision service.

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- (10) Before KPI submits the Recommendation on Feasibility of Broadcasting Provision to the Minister, KPI first performs coordination with the Minister within the framework of evaluating administrative and technical data requirements.
- (11) In the licensing process of broadcasting provision for LPS, LPB and LPK, the Minister, within the period of maximum fifteen (15) work days counting from the receipt of the Recommendation on Feasibility of Broadcasting Provision from KPI with complete requirements as referred to in paragraph (6) {paragraph (9)?}, invites KPI and the relevant agencies to hold FRB.
- (12) In the licensing process of broadcasting provision for Local LPP, the Minister, within the period of maximum seven (7) work days counting from the receipt of the Recommendation on Feasibility of Broadcasting Provision from KPI as referred to in paragraph (6) {paragraph (9)?}, invites KPI and other relevant agencies to hold FRB.

CHAPTER IV

MUTUAL MEETING FORUM (FRB)

Part One

Participants and location of FRB

Article 18

- (1) Participants of FRB consist of the Government and KPI.
- (2) The Government element referred to in paragraph (1) is the Department of Communication and Information Technology which may be accompanied by Provincial Government whose scope of tasks and responsibilities is in the field of communication and information technology.
- (3) FRB may be held in Jakarta or in other region within the territory of Indonesia.

Part Two

Preparation for FRB

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Article 19

The Minister, within the framework of the holding of FRB, may form a selection team when in a broadcast service area the number of feasibility recommendations exceeds the number of frequency fixed in the opportunity of broadcasting provision.

Part Three
Procedure and Criteria for Selection

Article 20

The selection is carried out using the comparative evaluation method.

Article 21

- (1) The Selection Team comprises:
 - a. KPI: three (3) members;
 - b. Directorate General of Communication Means and Information Dissemination: two (2) officials; and
 - c. Directorate General of Post and Telecommunication: two (2) officials.
- (2) The Selection Team has the following functions:
 - a. draw up the selection schedule;
 - b. prepare selection documents;
 - c. conduct evaluation and assessment of the selection;
 - d. determine the level of selection result; and
 - e. draft report of selection implementation for FRB.

Paragraph 1
Evaluation Material

Article 22

- (1) Comparative evaluation is done towards the following aspects:
 - a. broadcast programme;
 - b. broadcasting techniques; and
 - c. business.
- (2) Aspect of the broadcast programme as stated in paragraph (1) point a covers the plan of:

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- a. description about broadcast time;
 - b. source of material for broadcast agenda item;
 - c. target population;
 - d. competitive edge of broadcast programme;
 - e. percentage of agenda items as a whole;
 - f. broadcast details; and
 - g. pattern of daily and weekly broadcast items.
- (3) Aspect of broadcasting techniques as stated in paragraph (1) point b covers the plan of:
- a. means and infrastructure to be built;
 - b. equipment to be used;
 - c. lay out and space out of transmitter station and broadcasting station (studio); and
 - d. harmony between service area and the forecast of broadcast area expansion based on configuration of transmitter and antenna system.
- (4) Aspect of business as stated in paragraph (1) point c covers the plan of:
- a. sufficiency of capital;
 - b. feasibility of business plan;
 - c. sufficiency of human resources; and
 - d. problem of concentration of ownership and cross ownership.

Paragraph 2 Assessment of Selection

Article 23

Assessment of selection is carried out with the following stages:

- a. Each member of Selection Team conducts assessment and testing on the data of the content of the document of Applicant in a specific and valid manner;
- b. The Selection Team has the authority to determine the procedure, assessment method, and weightage of the final selection result of assessment;
- c. The Selection Team holds a plenary meeting to make a recapitulation of the assessment result to be filled in in the form of recapitulation of assessment and arranged according to the ranking of the results obtained.
- d. The decision of the Selection Team is final and cannot be questioned; and

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- e. The Selection Team reports to FRB in the form of Record of Selection Result.

**Paragraph 3
Collusion and Manipulation**

Article 24

- (1) The Selection Team shall sign a Pact of Integrity.
- (2) The Selection Team is not allowed to perform communication leading to a collusion and nepotism with the selection participants during the process of selection,
- (3) The Selection Team proved to do collusion practice and manipulation in the selection process will be given sanction in accordance with the provision of prevailing regulation.

**Part Four
Implementation of the holding of FRB**

Article 25

- (1) FRB meeting is held in a closed door.
- (2) FRB meeting is chaired by the Minister or his representative and accompanied by KPI.
- (3) FRB provides approval or refusal to the IPP application.
- (4) FRB provides approval or refusal to the application for the change of allocation and use of radio frequency AM to FM for radio provision service and VHF to UHF for television broadcasting service based on recommendation of KPI.
- (5) The change of allocation and use of radio frequency referred to in paragraph (4) may obtain priority to get frequency allocation, after evaluation has been conducted on administration, broadcast programme, and aspect of broadcasting techniques.

Article 26

Charges for the FRB become the burden of the budget of the Department of Communication and Information Technology and/or KPI..

Article 27

- (1) IPP is granted to the Applicant in accordance with the opportunity for broadcasting provision through KPI.
- (2) When in one area of broadcast service the number of recommendations on feasibility forwarded by KPI to the Minister does not exceed the number of frequency fixed in the opportunity for broadcasting provision, and the fulfilment of the requirements for administration, broadcast programme, and technical data of broadcasting, the FRB approved the granting of IPP.

Article 28

- (1) The result of FRB is incorporated in a Record made in two (2) folds and initialled by participating elements of FRB and signed by the Government and KPI.
- (2) The Record referred to in paragraph (1) is reported to the Minister and Chairman of Central KPI as a basis of approval or refusal of IPP application and/or postponement of FRB.
- (3) The Minister issues a License In Principle for Broadcasting Provision of approved application as stated in paragraph (2).

CHAPTER V

LICENSE IN PRINCIPLE FOR BROADCASTING PROVISION

Article 29

- (1) The Minister issue a License In Principle of Broadcasting Provision for Applicant whose application for license has been approved in FRB, at most in thirty (30) work days after the decision of FRB.

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- (2) The License In Principle for Broadcasting Provision referred to in paragraph (1) is used:
- a. as a document and proof for settling permissions or administrative recommendations, in accordance with the prevailing regulations in the region such as License for Building Construction (IMB), License for Disturbance (HO), License for Business Location (SITU) and Proof of Business Registration (TDP) in fulfilling the IPP requirements.
 - b. to carry out infrastructure development
 - c. to settle the process of defining frequency in the form of Radio Station License (LSR = ISR);
 - d. to perform broadcast trial; and
 - e. to evaluate the provision of broadcast trial.
- (3) The License In Principle for Broadcasting Provision is given to the Applicant through KPI after the availability of proof of payment of the charges for the License In Principle for Broadcasting Provision.
- (4) The fee for the License In Principle for Broadcasting Provision is paid to the state treasury through account of Receiving Treasurer of the Directorate General of Communication Means and Information Dissemination at Government Bank.
- (5) The Minister issues a letter of refusal of IPP application for Applicant whose license application is not approved by FRB, at most thirty (30) work days after the decision of FRB,
- (6) The letter of refusal referred to in paragraph (5) is delivered by the Minister to the Applicant through KPI.

CHAPTER VI

RADIO STATION LICENSE (LSR = ISR)

Part One Requirements for LSR Submission

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Article 30

- (1) The applicant submits application for RSL by completing the requirements, among other things:
 - a. an application letter for RSL to the Director of Radio Frequency Spectrum and Satellite Orbit, Directorate General of Post and Telecommunication;
 - b. filling in a form in accordance with the provision in the field of radio frequency spectrum;
 - c. brochure and specification of equipment and antenna;
 - d. picture of network configuration;
 - e. photocopy of License In Principle for Broadcasting Provision; and
 - f. photocopy of certificate of transmitter station equipment.
- (2) The procedure and licensing requirements to obtain RSL for Broadcasting Institution are in accordance with the provision in force in the field of radio frequency spectrum.

Part Two
Charges for the Right to Use (CRU = BHP) Frequency

Article 31

- (1) Any user of radio frequency spectrum shall undertake payment of CRU (BHP) Radio Frequency every year to state treasury in accordance with the provision of prevailing regulation.
- (2) The payment of CRU Radio Frequency referred to in paragraph (1) is made in advance.
- (3) The procedure of payment and the amount of CRU Radio Frequency is regulated in a separate Decree.

Part Three
RSL Issuance

Article 32

RSL is issued after the Applicant pays CRU Radio Frequency in accordance with the provision in force.

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Article 33

The RSL as stated in Article 32 is determined by the Director General of Post and Telecommunication.

CHAPTER VII**BROADCAST TRIAL****Part One****Trial Period of Broadcast**

Article 34

- (1) After having obtained the License In Principle for Broadcasting Provision as referred to in Article 29 paragraph (1), the Broadcasting Institution shall conduct a trial period of broadcast at the maximum of six (6) months for Radio Broadcasting Service and at the maximum of one (1) year for Television Broadcasting Service, and may only be extended for one (1) time after an evaluation has been conducted.
- (2) During the period of validity of License In Principle for Broadcasting Provision, the Broadcasting Institution is prohibited to make changes to the data of administration, broadcast programme, and technical data of broadcasting except after having obtained a written approval from the Minister.
- (3) The broadcast trial referred to in paragraph (1) may be implemented after obtaining RSL.
- (4) The material of broadcast trial referred to in paragraph (1) is in the form of data consistency as has been submitted at the time of application and fulfilment of requirements obligated in the License In Principle of Broadcasting Provision.
- (5) The trial is implemented at the time the Broadcasting Institution is on air trial.
- (6) The Broadcasting Institution during the conduct of broadcast trial must provide information either orally

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and/or in writing to listeners and/or watchers that broadcast is implemented within the framework of broadcast trial.

Article 35

- (1) The Broadcasting Institution submits a written application to the Minister for having evaluation conducted on provision of broadcast trial at the latest two (2) months before the period of trial ends.
- (2) During the evaluation of broadcast trial, the Broadcasting Institution provides broadcast in line with the proposed broadcast programme and broadcasting techniques with the duration of at least six (6) hours every day for radio broadcasting service and at least one (1) hour every day for television broadcasting service.
- (3) The Broadcasting Institution evaluated is given the chance to comply with and complete the requirements in line with the criteria of defining the passing of trial period of broadcast at the latest before the trial period of broadcast ends.
- (4) During the trial period of broadcast, the Broadcasting Institution may not:
 - a. provide advertisement broadcast, except advertisement broadcast for community service; and
 - b. to collect charges relating to the broadcasting provision.
- (5) Evaluation of the broadcast trial is done by a Team of Evaluation of Broadcast Trial formed by the Minister, comprising:
 - a. KPI;
 - b. Directorate General of Communication Means and Information Dissemination;
 - c. Directorate General of Post and Telecommunication; and
 - d. May involve elements of Provincial Government and District/Municipality whose scope of tasks and responsibilities is in the field of communication and information technology.

Article 36

- (1) Evaluation of broadcast trial covers:

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- a. administrative requirements;
 - b. broadcast programme; and
 - c. technical data of broadcasting.
- (2) Administrative requirements referred to in paragraph (1) point a cover:
- a. copy of license in principle for broadcasting provision;
 - b. copy of deed of establishment of the company;
 - c. copy of the latest act of amendment;
 - d. copy of RSL in force or accompanied by proof of payment of CRU radio frequency;
 - e. copy of certificate of equipment;
 - f. copy of license for building construction;
 - g. copy of license for disturbance;
 - h. copy of license for business location;
 - i. copy of proof of business registration;
 - j. data of shareholders;
 - k. organizational structure;
 - l. data of commissioners;
 - m. data of board of directors;
 - n. data of those responsible for broadcast;
 - o. data of human resources;
 - p. capitalization;
 - q. composition of human resources; and
 - r. business plan.
- (3) The broadcast programme referred to in paragraph (1) point b covers:
- a. for Broadcasting Institution of Radio Broadcasting Service:
 - 1. segmentation of watchers;
 - 2. broadcast format;
 - 3. broadcast composition;
 - 4. broadcast material; and
 - 5. form of broadcast material.
 - a. For Broadcasting Institution of Television Broadcasting Service:
 - 1. broadcast format;
 - 2. percentage of broadcast (local and foreign);
 - 3. grouping of broadcast agenda items;
 - 4. source of broadcast material.
- (4) Technical data of broadcasting referred to in paragraph (1) point c covers:

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- a. system configuration (from studio up to radio station) constructed;
- b. system configuration at each broadcasting studio;
- c. system configuration at each radio station;
- d. technical specification data of transmitter tower;
- e. technical specification data of each equipment used;
- f. data of broadcast service area;
- g. map illustrating studio location, radio station location, and broadcast service area;
- h. picture of lay out of each broadcasting studio; and
- i. picture of lay out of each radio station.

Part Two

Determination of Passing Trial Period of Broadcast and License for Broadcasting Provision

Article 37

- (1) The Minister determines the passing of trial period of broadcast based on recommendation of Team of Evaluation of Broadcast Trial.
- (2) Applicant is given an Instruction Letter for Payment of IPP charge after the recommendation as stated in paragraph (1) is agreed by the Minister.
- (3) Charge of IPP as stated in paragraph (2) is paid to the state treasury through account of Receiving Treasurer of the Directorate General of Communication Means and Information Dissemination at Government Bank at the latest seven (7) work days after the receipt of Instruction Letter for Payment of IPP charge.
- (4) The Minister issues a decision of permanent license for broadcasting provision at the latest fourteen (14) work days after broadcast trial is declared pass and after payment of IPP charge.
- (5) The permanent license for broadcasting provision is valid for five (5) years for radio broadcasting service and ten (10) years for television broadcasting service and may be extended.
- (6) The permanent license for broadcasting provision as stated in paragraph (4) is delivered to the Applicant through KPI.

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Part Three
Determination of Not Passing Trial Period of Broadcast and
Revocation of License In Principle for Broadcasting Provision

Article 38

- (1) Team of Evaluation of Broadcast Trial may provide recommendation to the Broadcasting Institution that does not meet the evaluation criteria for broadcast trial with a view to providing it with the opportunity to fulfil the prescribed evaluation criteria and may be extended for at most six (6) months for radio broadcasting service and at most one (1) year for television broadcasting service.
- (2) Team of Evaluation of Broadcast Trial may provide recommendation of not passing to the Broadcasting Institution that does not meet the evaluation criteria for broadcast trial and has gone through extension period for broadcast trial.
- (3) The Minister revokes the License in Principle for Broadcasting Provision within the period of fourteen (14) work days after having received recommendation of not passing as referred to in paragraph (2).
- (4) A letter of revocation of the License In Principle for Broadcasting Provision referred to in paragraph (3) is delivered by the Minister to the Applicant through KPI'
- (5) LSR is considered not valid if the License In Principle for Broadcasting Provision has been revoked.

CHAPTER VII

CHARGES OF THE LICENSE FOR THE PROVISION OF BROADCASTING

Article 39

- (1) The Broadcasting Institution for radio and television broadcasting service shall pay:
 - a. IPP charge; and
 - b. charges for the right to use (CRU) radio frequency spectrum.
- (2) IPP charge as stated in paragraph (1) point a consists of:

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- a. charge for license in principle;
- b. charge for IPP;
- c. charge for the extension of IPP.

(3) The amount of the charge for the license as referred to in paragraphs (1) and (2) is based on the Government Regulation of the Republic of Indonesia on Non-Tax State Income within the purview of the Department of Communication and Information Technology.

CHAPTER IX

EVALUATION OF THE LICENSE FOR THE PROVISION OF BROADCASTING

Article 40

The Minister may form a team of evaluation for conducting a monitoring and/or verification on the use of IPP in broadcasting activities.

CHAPTER X

TRANSITIONAL PROVISION

Article 41

Applications for licensing of broadcasting provision that have been received by the Minister and KPI prior to the ratification of this Ministerial Decree will still be processed further.

CHAPTER XI

FINAL PROVISIONS

Article 42

The Ministerial Decree Number 08 Year 2007 on Procedure of Licensing and Provision of Broadcasting of Private Broadcasting Institution including its amendments and Ministerial Decree Number 14 Year 2007 on Procedure and Selection Criteria of Users of Radio Frequency Spectrum for Provision of Broadcasting, and other regulations which stipulate the procedure and requirements for licensing the

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provision of broadcasting are declared to still remain applicable as long as they are not contradictory with this Ministerial Decree.

Article 43

(Note: This Article with its content is missing)

Article 44

This Ministerial Decree shall come into force as from the date of its ratification and in case there are mistakes found later, proper corrections will be made.

Done at: JAKARTA
On : September 4, 2008

MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,

Signed

MOHAMMAD NUH