**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 PROVISION OF DIGITAL TELEVISION BROADCAST**

**BY THE GRACE OF GOD THE ALMIGHTY**

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

Considering: a. . that the current broadcasting technology has developed

 towards digital broadcasting technology using one (1) radio

 frequency canal for channelling a number of broadcast

 programs;

b. that radio frequency spectrum is a limited natural resource,

 so that migration from analog to digital broadcasting must

 immediately be done with a view to more optimum and efficient use of radio frequency spectrum

c. that within the framework of identifying every technical and

 non technical occurrence regarding the broadcasting

 provision particularly digital television, it is deemed

 necessary to conduct Field Try Out of Digital Television

 Broadcast Provision

d that based on considerations mentioned in points

 a, b, and c, it is considered necessary to ratify a Decree

 of the Minister of Communication and Information

 Technology on Field Try Out of the Provision of Digital

 Television Broadcast.

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);

1. 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);
2. 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);
3. 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);
4. 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);
5. 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);
6. Decree of the President of the Republic of Indonesia Number 9 Year 2005 on Positions, Duties, Functions, Organizational Structure, and Work Method of State Ministries of the Republic of Indonesia;
7. Decree of the President of the Republic of Indonesia Number 10 Year 2005 on Organizational Units and Duties 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;
8. Decision of the President of the Republic of Indonesia Number 31/P Year 2007 on Appointment of State Ministers and United Cabinet of Indonesia;
9. Decree of the Minister of Communication and Information Technology Number 07/P/M.KOMINFO/3/2007 on Terrestrial Digital Broadcasting Standard for Immobile Television in Indonesia;
10. Decree of the Minister of Communication and Information Technology Number 25/P/M.KOMINFO/7/2008 on Organization and Work Method of Office of the Department of Communication and Information Technology.

**DECIDES :**

**To ratify: DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON FIELD TRY OUT OF THE PROVISION OF DIGITAL TELEVISION BROADCAST**

**CHAPTER I**

**GENERAL PROVISIONS**

Article 1

In this Ministerial Decree, what is meant by :

1. Broadcasting Institution is broadcasting provider, either public broadcasting institution, private broadcasting institution, community broadcasting institution, or subscriber broadcasting institution which in the implementation of their duties, functions, and responsibilities must abide by the prevailing regulations.

2. Field Try Out of Digital Television Broadcast Provision hereinafter referred to as Try Out is trial broadcast using digital technology both for *free to air* fixed reception and for mobile television reception.

3. Public Broadcasting Institution hereinafter referred to as LPP is broadcasting institution in the form of legal entity founded by a State which is independent, neutral, non-commercial, and has the function of providing service for the interest of the society.

4. Private Broadcasting Institution hereinafter referred to as LPS is a commercial broadcasting institution in the form of legal entity of Indonesia whose business field is only to provide television and radio broadcasting services.

5. Subscriber Broadcasting Institution hereinafter referred to as LPB is a commercial broadcasting institution in the form of legal entity of Indonesia whose business field is only to provide television and radio broadcasting services.

6. Telecommunication network provision is an activity of providing and/or servicing telecommunication network enabling the provision of telecommunication.

7. Consortium is a combination of a number of providers of television broadcasting service and/or providers of telecommunication network to provide Try Out that have the capability in the field of broadcasting and telecommunication.

8. Minister is the Minister whose scope of duties and responsibilities is in the field of telecommunication and information technology.

**CHAPTER II**

**OBJECTIVE AND PROVISON OF TRY OUT**

**Part One**

**Objective of Try Out**

Article 2

(1) Try Out has the objective of studying every technical and non-technical aspect in the form of performance of equipment and system, model of digital television broadcast provision, model of regulation and institutionalization, and feature of digital television service expected by the society.

(2) Try Out referred to in paragraph (1) is non commercial in nature.

**Part Two**

**Try Out Provision**

Article 3

(1) Try Out provision of *free-to-air* fixed reception is done by two (2) providers comprising :

a. LPP and telecommunication network provider;

b. Consortium consisting of minimum six (6) providers of television broadcasting service that own licenses.

(2) Try Out referred to in paragraph (1) is provided using standard system of *Digital Video Broadcasting Terrestrial* (DVB-1) in accordance with the prevailing regulation.

Article 4

(1) Try Out provision for mobile television is carried out by two (2) providers, each of them having the form of consortium.

(2) Try Out referred to in paragraph (1) is provided using open standard system.

(3) Each of the providers referred to in paragraph (1) uses different standard systems.

Article 5

The service areas of Try Out are located in Jakarta, Bogor, Depok, Tangerang, and Bekasi (Jabodetabek).

Article 6

(1) Try Out of broadcast service area referred to in Article 5, is provided using radio frequency allocation specially made available by the Director General of Post and Telecommunication in the form of temporary Radio Station License (ISR) for which License Fee (BHP) of frequency is paid in accordance with the prevailing regulation.

(2) After the termination of Try Out period, providers of Try Out shall cease their broadcast and return the radio frequency canal to the Minister.

Article 7

(1) Radio frequency allocation for Try Out of *free-to-air* fixed reception, is made available in the number of four (4) radio frequency canals, i.e. canals 40, 42, 44 and 46 UHF.

(2) Frequency canal referred to in paragraph (1), may be utilized to channel:

a. broadcast programs of broadcasting institutions that own licenses;

b. data service such as weather forecast, traffic situation, financial information, natural disaster information, and news.

(3) In utilizing canal referred to in paragraph (1), the television broadcasting institutions that do not belong to Try Out group, may channel their broadcast programs to one of Try Out providers that has obtained license.

Article 8

(1) Radio frequency allocation for mobile television Try Out uses two (2) radio frequency canals, i.e. canals 24 and 26 UHF by applying different standard systems between providers.

(2) Canals referred to in paragraph (1) may be utilized to channel broadcast programs of television broadcasting institutions.

**CHAPTER III**

**PROCEDURE AND REQUIREMENTS OF TRY OUT LICENSING**

**Part One**

**Procedure of Try Out**

Article 9

(1) Providers of Try Out referred to in Article 3 paragraph (1) and Article 4 paragraph (1) submit written applications to the Minister for obtaining Try Out licenses.

(2) Providers of Try Out referred to in Article 3 paragraph (1) point a, determine the leadership of one of the parties as responsible person.

(3) Providers of Try Out referred to in Article 3 paragraph (1) point b and Article 4 paragraph (1), select the consortium chairman as responsible person.

(4) The applications referred to in paragraph (1) attach the purpose and objective of Try Out, name, broadcast programs to be channelled, technical specifications of the equipment to be used , and for consortium, names of consortium participants.

(5) Providers of broadcast programs whose institutions are commercial in nature that have owned licenses and broadcast providers whose institutions are non-commercial in nature and do not belong to Try Out group, but wish their broadcast programs be included in the Try Out, must submit applications to the Minister for obtaining approval.

(6) Providers of broadcast programs referred to in paragraph (5) must perform cooperation with Try Out providers.

Article 10

(1) The Minister conducts evaluation on the applications submitted as referred to in Article 9 paragraphs (1) and (5).

(2) The evaluation on the applications of Try Out providers referred to in Article 3 paragraph (1) and Article 4 paragraph (1) is done based on the following criteria:

a. possess a full set of digital transmission devices including their supporting means;

b. determine the transmission location of Try Out provision;

c. for *free-to-air* fixed reception of Try Out:

1. provide digital television broadcast receiver of MPEG-2 and set top box of digital television broadcast receiver which fulfil technical provision with feature capable of providing data service in Bahasa Indonesia menu, information on weather forecast, traffic situation, financial information, early warning of natural disaster, news, and may be equipped with measuring means of TV rating; and

2. *set top box* used must be able to receive digital television broadcast from all Try Out providers of *free-to-air* fixed reception.

d. possess Human Resources (SDM) of quality in operating digital broadcasting equipment; and

e. evaluation on the applications referred to in Article 9 paragraph (5) is done based on availability of slot for accommodating broadcast programs.

Article 11

(1) After having received and evaluated the applications for Try Out licenses referred to in Article 9 paragraphs (1) and (5), at the latest ten (10) work days, the Minister issues Try Out licenses to the Applicants.

(2) The licenses referred to in paragraph (1) are valid at the maximum of nine (9) months since their issuance and, if needed, may be extended for three (3) following months.

**Part Two**

**Try Out Requirements**

Article 12

In providing Try Out, providers of Try Out must comply with the following provisions:

a. Use radio frequency according to its objective;

b. Display community service advertisement and running text having the nature of digital broadcast promotion to the community;

c. The broadcast content in Try Out provision has the nature of education, entertainment, and news;

d. The duration of Try Out must at least be twelve (12) hours per day;

e. For the sake of evaluation of *free-to-air* fixed reception of Try Out, at least five hundred (500) units of *set top box* are distributed to the community free of charge by taking into consideration the locations, socio-economic conditions, and age group in the area reached by Try Out;

f. For the provision of Try Out of mobile television reception, it is prohibited to collect charges from the community receiving broadcast and not as paid television service and/or as subscribers service; and

g. During the Try Out, it is prohibited to make any change on the document or data submitted to the Minister, except if approval thereof has been given by the Minister.

Article 13

In the event that the Try Out providers do not comply with the provisions referred to in Article 12, the Minister has the right to revoke the Try Out license.

**CHAPTER IV**

**SCOPE OF TRY OUT**

Article 14

The scope of Try Out comprises:

a. Model of provision;

b. Model of regulation and institutionalization;

c. Characteristics of propagation and broadcast service reach;

d. Quality of picture and sound;

e. The capability of reception in the form *fixed portable* or *mobile* services;

f. The capability to operate in *Single Frequency Network* (SFN) network system;

g. The broadcast program (content) includes data service; and

h. Preparedness and interest of the community towards digital television broadcast.

**CHAPTER V**

**REPORTING AND EVALUATION OF TRY OUT**

Article 15

Try Out providers are obliged to report the try out result to the Minister once (1) a month, covering technical and non technical aspects.

Article 16

(1) Within the framework of monitoring and evaluation of Try Out provision, the Minister establishes a Team comprising the Department of Communication and Information Technology, the Department of Industry, the Indonesian Broadcasting Commission (KPI), Body of Research and Application of Technology (BPPT), and other needed elements to conduct evaluation on the implementation of Try Out and submit a report to the Minister.

(2) The evaluation on the implementation of Try Out referred to in paragraph (1) is done as follows:

a. Evaluation on the model of digital television broadcast provision, on model of regulation and institutionalization is done by the Department of Communication and Information Technology;

b. Evaluation on the broadcast program and feature of digital television service is done by KPI;

c. Evaluation on the performance of equipment and system is done by the Department of Industry and BPPT.

Article 17

(1) The reporting result and evaluation on the implementation of Try Out will become a reference for composing regulation on the implementation of digital television broadcasting system and as material of consideration in the selection of digital television broadcasting providers.

(2) The provision regarding the selection of ascertaining digital television broadcasting providers will be regulated in a separate Ministerial Decree.

(3) Try Out providers may be considered to obtain license for digital television broadcasting provision.

**CHAPTER VI**

**PROVISION OF BROADCAST PROGRAM**

Article 18

(1) The Minister in conjunction with KPI composes the provision regarding broadcast program channelled through Try Out.

(2) The provision of broadcast program referred to in paragraph (1) is defined within the period of three (3) months after the coming into force of this Ministerial Decree.

(3) Broadcasting institutions which take part in the Try Out must follow the broadcast program provision that has been defined as mentioned in paragraph (2).

**CHAPTER VII**

**FINAL PROVISION**

Article 19

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

 Done at: JAKARTA

 On : August 5, 2008

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**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY**

**OF THE REPUBLIC OF INDONESIA**

Signed

**MOHAMMAD NUH**