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

**NUMBER : 16/PER/M.KOMINFO/9/2005**

**ON**

**PROVISION OF THE MEANS OF INTERNATIONAL TELECOMMUNISSION TRANSMISSION THROUGH SUBMARINE CABLE COMMUNICATION SYSTEM**

**BY THE GRACE OF GOD THE ALMIGHTY**

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Considering: a that in order to guarantee the climate of conducive telecommunication provision, it is considered necessary to regulate the provision regarding the making available of the means of international telecommunication transmission through submarine cable communication system by issuing a Decree

 of the Minister of Communication and Information Technology

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, Supplement to the State

 Gazette of the Republic of the Republic of Indonesia Number

 3881);

1. Government Regulation of the Republic of Indonesia Number 52 Year 2000 on Telecommunication Provision (State Gazette of the Republic of Indonesia Number 107 Year 2000, Supplement to the State Gazette of the Republic of Indonesia Number 3980);
2. 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, Supplement to the State Gazette of the Republic of Indonesia Number 3981);
3. 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;
4. Decision of the Minister of Communication Number KM.20 Year 2001 on Provision of Telecommunication Network as amended by the Decision of the Minister of Communication Number KM. 29 Year 2004;
5. Decision of the Minister of Communication Number KM.21 Year 2001 on Provision of Telecommunication Service as amended by the Decision of the Minister of Communication Number : KM.30 Year 2004;
6. Decree of the Minister of Communication and Information Technology Number 01/P/M.Kominfo/4/2005 on Organization and Work Method of the Department of Communication and Information Technology.
7. Decree of the Minister of Communication and Information Technology Number 03/P/M.Kominfo/5/2005 on Adjustment of Nomenclatures of a number of Decisions/Decrees of the Minister of Communication which regulate Special Material Contents in the field of Post and Telecommunication;

**DECIDES**

**To issue : DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON PROVISION OF THE MEANS OF INTERNATIONAL TELECOMMUNISSION TRANSMISSION THROUGH SUBMARINE CABLE COMMUNICATION SYSTEM**

**CHAPTER I**

**GENERAL PROVISIONS**

Article 1

In this Ministerial Decree, what is meant by:

1. Telecommunication is any emission, transmission or reception of any kind of signs, images, voices, and information in any form by the systems of wire, optical, radio, or other electromagnetic systems;

2. Telecommunication network is a chain of telecommunication equipment and its accessories used within the framework of conducting telecommunication;

3. Telecommunication provider is an individual, cooperative, regional government enterprise, state enterprise, private enterprise, government agency, and state defense and security agency;

4. Telecommunication provision is an activity of providing and servicing telecommunication enabling the provision of telecommunication;

5. Provision of fixed network is an activity of network provision for fixed telecommunication service which is meant for public ;telecommunication provision and hiring circuit;

6. Submarine Cable Communication System, hereinafter referred to as SKKL, is a telecommunication transmission system using cable media spread out in the sea or ocean to connect a number of cable stations in each country passed by it;

7. Landing right is the right provided by the Director General on behalf of the Minister to telecommunication providers or broadcasting institutions within the framework cooperation with foreign telecommunication providers;

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

9. Director General is the Director General of Post and Telecommunication.

**CHAPTER II**

**PROVIDING MEANS OF INTERNATIONAL TELECOMMUNICATOIN TRANSMISSION THROUGH SKKL**

Article 2

(1) Providing means of international telecommunication transmission through SKKL may be done by:

a. provider of fixed network of international connection;

b. provider of closed fixed network;

c. provider of internet interconnection service (*NAP*).

(2) Telecommunication providers referred to in paragraph (1) shall build cable stations and or hire from telecommunication providers that own cable stations.

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Article 3

(1) Providing means of international telecommunication transmission through SKKL may be done after having obtained the landing right issued by the Director General on behalf of the Minister.

(2) The landing right for providers of international connection fixed network is attached to the license for its provision.

(3) The landing right for providers of closed fixed network and providers of internet interconnection service (*NAP*) may be granted after having considered the efficiency of the means of international telecommunication transmission nationally.

Article 4

(1) Foreign telecommunication providers that wish to provide means of international telecommunication transmission through SKKL directly to Indonesia shall cooperate with telecommunication providers referred to in Article 2.

(2) The cooperation referred to in paragraph (1) may only be done if the capacity of means of transmission activated and or provided by the foreign telecommunication providers is the same as the capacity of transmission means activated and or provided by telecommunication providers referred to in Article 2.

**CHAPTER III**

**CAPACITY TRANSFER**

Article 5

In the event that telecommunications providers referred to in Article 2 are subsidiaries of foreign telecommunication providers, the telecommunication providers in question may receive capacity transfer of means of international telecommunication transmission through SKKL from their mother companies abroad on the provision that said telecommunication providers are fully owned by their mother companies.

**CHAPTER IV**

**INTERCONNECTION**

Article 6

Interconnection between the means of international telecommunication transmission through SKKL and domestic network is done in Network Operation Centre / NOC of telecommunication providers, owners of cable stations.

**CHAPTER V**

**SANCTIONS**

Article 7

Violations against the provision referred to in Article 3 paragraph (1) or Article 4 paragraph (1) are imposed with criminal sanctions in accordance with the provision of Article 47 of Law of the Republic of Indonesia Number 36 Year 1999 on Telecommunication.

Article 8

(1) Violations against the provision referred to in Article 4 paragraph (2) or Article 5 are imposed with administrative sanctions in the form of revocation of the license of telecommunication provision.

(2) The revocation of the license referred to in paragraph (1) is done after having been given written warning for three (3) consecutive times with interval of the respective warnings of seven (7) work days.

**CHAPTER VI**

**SUPERVISION AND CONTROL**

Article 9

The Director General conducts supervision and control on the implementation of this Ministerial Decree.

**CHAPTER VII**

**TRANSITINAL PROVISION**

Article 10

By the coming into force of this Ministerial Decree, telecommunication providers that have provided means of international telecommunication transmission through SKKL may still carry out their activities, with the provision that at the latest within the period of six (6) months since the coming into force of this Ministerial Decree shall adjust themselves to this Ministerial Decree.

**CHAPTER VIII**

**FINAL PROVISION**

Article 11

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

 Done at: JAKARTA

 On : …………………

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**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,**

Signed

**SOFYAN A. DJALIL**

COPIES of this Ministerial Decree are sent to:

1. Chairman of the Audit Board of the Republic of Indonesia;

2. State Coordinating Minister for Economic Affairs;

3. Minister for Domestic Affairs;

4. State Minister fo the Development of Least Developed Regions;

5. Minister of Law and Human Rights;

6. Minister of Finance;

7. State Secretary;

8. Head of the Body of Finance and Development Supervision;

9. Governors of All Provinces of Indonesia;

10. Secretary General, Inspector General, Directors General, and Heads of Bodies within the Department of Communication and Information Technology;

11. Heads of Bureaus and Heads of Centres within the Secretariat General of the Department of Communication and Information Technology.

For copies conform to the original,

Head of Legal and Foreign Cooperation Bureau,

 INGRID R. PANJAITAN

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