DECREE OF THE MINISTER OF COMMUNICATION

NUMBER : KM. 2 YEAR 2005

ON

USE OF FREQUENCY BAND OF 2400 – 2483. MHz

BY THE GRACE OF GOD THE ALMIGHTY

MINISTER OF COMMUNICATION,

Considering: a. that the use of frequency band of 2400 – 2483.5 MHz in a harmonious manner avoiding reciprocal disturbance may facilitate and expand the spread of information to the society;

b. that in view of what is stated in point a above, it is considered necessary to issue a Decree of the Minister of Communication on Use of Frequency Band of 2400 – 2483.5 MHz

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 Indonesia Number 3881);

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, Supplement to the 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, Supplement to the State Gazette of the Republic of Indonesia Number 3981);

4. Decision of the President of the Republic of Indonesia Number 102 Year 2001 on Positions, Duties, Functions, Authorities, Organizational Structure, and Work Method of the Departments as amended latest by the Decision of the President of the Republic of Indonesia Number 45 Year 2002;

5. Decision of the President of the Republic of Indonesia Number 109 Year 2001 on Organizational Units and Duties of Echelon I of the Departments as amended by the Decision of the President of the Republic of Indonesia Number 47 Year 2002;

6. Decision of the Minister of Communication Number KM. 5 Year 2001 on Table of Allocation of Radio Frequency Spectrum of Indonesia;

7. Decision of the Minister of Communication Number KM. 24 Year 2001 on Organizational Structure and Work Method of the Department of Communication as amended latest by the Decision of the Minister of Communication Number KM.91 Year 2002;

8. Decision of the Minister of Communication Number KM. 65 Year 2003 on Procedure of Certificate Issuance, Labelling of Telecommunication Tools and Equipment.

**DECIDES**

**To issue : DECREE OF THE MINISTER OF COMMUNICATION ON USE OF FREQUENCY BAND OF 2400 – 2483.5 MHz**

**CHAPTER I**

**GENERAL PROVISIONS**

Article 1

In this Ministerial Decree, what is meant by :

1. Radio frequency band of 2400 – 2483.5 MHz is a part of frequency spectrum that operates between 2400 up to and including 2483.5 MHz;

2. Certificate is a document that states the conformance of telecommunication tools and equipment vis-à-vis the technical requirements and or defined standards.

**CHAPTER II**

**USE OF FREQUENCY BAND OF 2400 – 2483.5 MHz**

Article 2

Use of frequency band of 2400 – 2483.5 MHz shall follow the technical requirements as defined in this Ministerial Decree.

Article 3

(1) Frequency band of 2400 – 2483.5 MHz is used for the purpose of data access and or internet access.

(2) Frequency band of 2400 – 2483.5 MHz may be shared at the time, and or area , and or technology in a harmonious manner between users, and does not cause harmful interference reciprocally.

(3) The sharing usage referred to in paragraph (2) must be done based on coordination among users.

(4) The coordination referred to in paragraph (3) follows the guideline of ethical code agreed and determined by users.

(5) The ethical code referred to in paragraph (4) shall follow the technical requirements as regulated in this Ministerial Decree.

Article 4

Frequency band of 2400 – 2483.5 MHz may be used for outdoor and or indoor purposes.

Article 5

It is prohibited to use frequency band of 2400 – 2483.5 MHz that may create harmful interference to the usage of other radio stations and *Industrial Scientific and Medical* (ISM) equipment..

**CHAPTER III**

**TECHNICAL REQUIREMENTS OF FREQUENCY BAND USAGE OF**

 **2400 – 2483.5 MHz**

Article 6

Frequency band usage of 2400 – 2483.5 MHz shall follow the following technical requirements:

a. *Effective Isotropically Radiated Power* (EIRP) is the result of multiplication between power supplied to antenna by strengthening the antenna, relative to isotropic antenna at a certain direction (absolute strengthening or isotropic) maximum for outdoor usage at the amount of 4 Watt (36.02 dBmW) and for indoor usage at the amount of 500 milliWatt (27 dBmW).

b. Emission power of equipment (*TX power*) is the average power of equipment supplied at antenna transmission channel of maximum 100 mW.

c. Out of band emission is maximum -20 dBc per 100 kHz.

**CHAPTER IV**

**CERTIFICATE OF TELECOMMUNICATION TOOLS AND EQUIPMENT**

Article 7

Telecommunication tools and or equipment to be used at frequency band of 2400 – 2483.5 MHz shall have certificates in accordance with the prevailing provision.

Article 8

Certificates of telecommunication tools and or equipment referred to in Article 7 also form Licenses of Radio Stations (ISR) for the use of frequency band of 2400 – 2483.5 MHz.

 **CHAPTER V**

**SUPERVISION AND CONTROL**

Article 9

(1) Supervision and control on the use of frequency band of 2400 – 2483.5 MHz are conducted by the Director General of Post and Telecommunication.

(2) The Director General of Post and Telecommunication designates the Technical Implementation Unit (UPT) of Radio Frequency Spectrum Monitoring to perform the supervision and control referred to in paragraph (1).

**CHAPTER VI**

**SANCTIONS**

Article 10

Violations against the use of telecommunication tools and or equipment as regulated in this Ministerial Decree are imposed with sanctions in accordance with Law of the Republic of Indonesia Number 36 Year 1999 on Telecommunication.

**CHAPTER VII**

**TRANSITIONAL PROVISION**

Article 11

(1) Users of frequency band of 2400 – 2483.5 MHz based on ISR may still carry out their activities by using telecommunication tools and equipment in accordance with the provision prior to the coming into force of this Ministerial Decree.

(2) After the validity period of ISR terminates, users of frequency band of 2400 – 2483.5 MHz referred to in paragraph (1) shall adjust themselves with the provision regulated in this Ministerial Decree.

(3) The use of frequency band of 2400 – 2483.5 MHz for the purpose of microwave link in the Capitals of Provinces may still be in operation at most for two (2) years since the issuance of this Ministerial Decree.

**CHAPTER VIII**

**FINAL PROVISIONS**

Article 12

Charge index of frequency occupation (lb) and charge index of frequency emission power (lp) for data wireless service (secondary) as regulated in Attachment I of the Decision of the Minister of Communication Number KM. 40 Year 2002 on Guideline for the Implementation of Tariffs on Non-Tax State Income Emanating From the License Fee of Radio Frequency Spectrum as amended by the Decision of the Minister of Communication Number KM. 78 Year 2004 are no more applicable for frequency band usage of 2400 – 2483.5 MHz .

Article 13

Usage of frequency band of 2400 – 2483.5 MHz is no more protected by the Government.

Article 14

By the coming into force of this Ministerial Decree, all the provisions regarding the use of frequency band of 2400 – 2483.5 MHz which are contradictory to this Ministerial Decree are declared no more valid.

Article 15

This Ministerial Decree shall come into force since 1 January 2005.

 Done at: JAKARTA

 On : January 6, 2005

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**MINISTER OF COMMUNICATION,**

Signed

**M. HATTA RAJASA**

COPIES of this Ministerial Decree are sent to:

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

2. Coordinating Minister for Economic Affairs;

3. Minister of Finance;

4. Minister of Industry;

5. Minister of Trade;

6. Minister for Foreign Affairs;

7. Minister for Domestic Affairs;’

8. Minister of Law and Human Rights;

9. State Secretary;

10. Attorney General of the Republic of Indonesia;

11. Governors/Heads of Provincial Regions of Indonesia;

12. Secretary General, Inspector General, Directors General, and Heads of Bodies within the Department of Communication;

13 Heads of Bureaus and Heads of Centres within the Secretariat General of the Department of Communication.

For COPIES conform to the original

Head of Legal and Foreign Cooperation Bureau

 Signed

 KALALO NUGROHO, SH

 NIP : 120105102

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